

1 John St. Croix  
2 Executive Director  
3 San Francisco Ethics Commission  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102  
6 (415) 252-3100

7 BEFORE THE SAN FRANCISCO  
8 ETHICS COMMISSION

9 Jacqueline Norman, Committee to Elect  
10 Norman for Supervisor 2010,  
11 Respondent,  
12 In the Matter of:  
13 ETHICS COMPLAINT NO. 14-131112

**COMPLAINANT’S HEARING BRIEF**

16 **I. Introduction**

17 Pursuant to section X.C of the San Francisco Ethics Commission Regulations for  
18 Investigations and Enforcement Proceedings (“Regulations”), staff submits this Hearing Brief in  
19 the matter of Ethics Complaint number 14-131112. Under the Regulations, the Hearing Brief  
20 shall outline the Executive Director’s legal arguments and list the evidence and witnesses to be  
21 presented at the Hearing on the Merits. (*See Appendix.*)

22 Under section XII.A.2 of the Regulations, the Commission may determine that a  
23 respondent has committed a violation of law only if a person of ordinary caution and prudence  
24 would conclude, based on a preponderance of the evidence, that the respondent has committed  
25 the violation.  
26  
27

1 The evidence presented will establish that a person of ordinary caution and prudence  
2 would conclude that Respondent committed six violations of the California Government Code by  
3 failing to file required Recipient Committee Campaign Statement Form 460s.

## 4 **II. Background & Procedural History**

### 5 **A. Background**

6 On July 6, 2010, Respondent formed a Candidate Controlled Committee for the purpose  
7 of her election to District 10 Supervisor. (Exhibit 1.) On October 5, 2010, the Committee filed  
8 its first Recipient Committee Campaign Statement Form 460 ("Form 460"), which covered the  
9 reporting period of January 1 through September 30, 2010. (Exhibit 2.) The Committee  
10 continued to file its Form 460s through January 31, 2011. On January 31, 2011, the Committee  
11 filed a Form 460 covering the reporting period from October 17 to December 31, 2010. (Exhibit  
12 3.) On that Form 460, the Committee reported receiving \$11,117.35 in contributions in 2010,  
13 and making \$8,737.22 in expenditures. (Exhibit 3, page 4.) The Committee also reported an  
14 ending cash balance of \$2,380.13, and outstanding debts of \$8,087.35. (Exhibit 3, page 4.)  
15 There was no indication on that Form 460 that it was a termination statement. (Exhibit 3, page  
16 1.) That was the last period for which the Committee filed a Form 460.

### 19 **B. Procedural History**

20 On August 11, 2011, and August 26, 2011, the Executive Director notified Respondent  
21 by letter that the Committee had not filed the next required Form 460 by August 1, 2011.<sup>1</sup>  
22 (Exhibits 4 and 5.) On November 13, 2013, the Ethics Commission initiated a complaint against  
23 Respondent for the failure to file the Committee's Form 460s. Respondent received the Probable  
24 Cause Report and notice of the Probable Cause Hearing on March 21, 2014. A Probable Cause  
25 Hearing was held on May 28, 2014, at which the Ethics Commission determined that there is  
26

27 <sup>1</sup> The July 31 filing deadline occurred on August 1 in 2011 because July 31 was a Sunday.

1 probable cause to believe that Respondent committed the violations presented here. Respondent  
2 did not attend the hearing, but she did submit a response to the Probable Cause Report.

3 **III. Summary of Law and Analysis of Evidence**

4 California Government Code, section 82013(a), states that a committee is a person or  
5 combination of persons who directly or indirectly receives contributions totaling \$1,000 or more  
6 in a calendar year.

7  
8 California Government Code, section 84200(a), states that elected officers, candidates,  
9 and committees pursuant to California Government Code, section 82013(a), shall file semiannual  
10 statements each year no later than July 31 for the period ending June 30, and no later than  
11 January 31 for the period ending December 31.

12 California Government Code, section 84214, states that committees and candidates that  
13 qualify as a committee under California Government Code, section 82013(a), must terminate  
14 their filing obligations pursuant to regulations adopted by the California Fair Political Practices  
15 Commission (“FPPC”).

16 FPPC Regulation 18404(b), states that a committee which qualifies pursuant to California  
17 Government Code, section 82013(a), may terminate the committee’s status as a committee, only  
18 by completing the termination section on the Form 410 declaring, under penalty of perjury, that  
19 the committee: (1) has ceased to receive contributions and make expenditures and does not  
20 anticipate receiving contributions or making expenditures in the future; (2) has eliminated or has  
21 declared that it has no intention or ability to discharge all of its debts, loans received and other  
22 obligations; (3) has no surplus funds; and (4) has filed all required campaign statements  
23 disclosing all reportable transactions.

24 The provisions of California Government Code, section 81000 et seq., are incorporated  
25 into local law by San Francisco Campaign and Governmental Conduct Code, section 1.106.

**Counts 1 through 6 – Six Violations of California Government Code, section**

**84200(a)**

The Committee received more than \$1,000 in monetary contributions in 2010, making it a Committee pursuant to California Government Code, section 82013(a). The Committee was formed as a Candidate Controlled Committee on July 6, 2010. On the Committee's last submitted Form 460 filed on January 31, 2011, it reported an ending cash balance of \$2,380.13 and outstanding debts of \$8,087.35.

The Committee could not terminate on January 31, 2011, because of the outstanding debt and cash balance, and the Committee did not terminate as required by California Government Code, section 84214, and FPPC Regulation 18404(b). Because the Committee did not terminate, it was required to file a Form 460 for the next reporting period covering from January 1 to June 30, 2011, and the Committee's filing obligation continues until the Committee is formally terminated.

Because the Committee never filed its semi-annual Form 460s, Respondent, as the Committee's treasurer committed six violations of California Government Code, section 84200(a) as specified in the counts below:

**Count 1.** By failing to file the required semi-annual Form 460 by July 31, 2011, Respondent committed one violation of California Government Code, section 84200(a).

**Count 2.** By failing to file the required semi-annual Form 460 by January 31, 2012, Respondent committed one violation of California Government Code, section 84200(a).

**Count 3.** By failing to file the required semi-annual Form 460 by July 31, 2012, Respondent committed one violation of California Government Code, section 84200(a).



1           **Count 4.** By failing to file the required semi-annual Form 460 by January 31, 2013,  
2 Respondent committed one violation of California Government Code, section 84200(a).

3           **Count 5.** By failing to file the required semi-annual Form 460 by July 31, 2013,  
4 Respondent committed one violation of California Government Code, section 84200(a).

5           **Count 6.** By failing to file the required semi-annual Form 460 by January 31, 2014,  
6 Respondent committed one violation of California Government Code, section 84200(a).

7  
8                                   **IV.    Request for Penalties**

9           The Campaign Finance Reform Ordinance (SF C&GCC §1.100 *et seq.*) which  
10 incorporates the California Government Code, enumerates that one of its purposes is to assist  
11 voters in making informed electoral decisions and ensure compliance with campaign  
12 contribution limits through the required filing of campaign statements detailing the sources of  
13 campaign contributions and how those contributions have been expended. (*See* SF C&GCC §  
14 1.100(b)(8).) By failing to file campaign statements, Respondent infringed on the public's  
15 ability to be informed on her campaign related activity.

16  
17           The Ethics Commission is authorized to assess penalties for violations of the Campaign  
18 Finance Reform Ordinance of up to \$5,000 per violation or three times the amount which the  
19 person failed to report properly or unlawfully contributed, expended, gave or received,  
20 whichever is greater. (*See* SF Charter § C3.699-13(c)(3) and SF C&GCC § 1.170(c).)

21 Candidates are responsible for complying with the Campaign Finance Reform Ordinance and  
22 may be held personally liable for violations by their committees. (*See* SF C&GCC § 1.170(g).)

23  
24           When determining penalties, the Ethics Commission considers all of the relevant  
25 circumstances surrounding the case, including but not limited to: (a) the severity of the violation;  
26 (b) the presence or absence of any intention to conceal, deceive, or mislead; (c) whether the  
27

1 violation was deliberate, negligent or inadvertent; (d) whether the violation was an isolated  
2 incident or part of a pattern; (e) whether the respondent has a prior record of violations of law;  
3 and (f) the degree to which the respondent cooperated with the investigation and demonstrated a  
4 willingness to remedy any violations.

5 Respondent failed to carry out an essential responsibility required by law, and one that is  
6 owed to public, which is to demonstrate that the Committee's contributions and expenditures  
7 were related to legitimate campaign related activities. In recent settlements of similar violations  
8 for failing to file required campaign statements, the Commission has approved a penalty amount  
9 of \$500 per violation. (See Ethics Complaint 18-131115, approved 7/28/14; Ethics Complaint  
10 16-131114, approved 6/23/14.) Penalties may be assessed at the discretion of the Commission  
11 members up to the maximum allowable by law. Because of the demonstrated unwillingness to  
12 file the required statements prior to the hearing on the merits, staff requests that the Commission  
13 impose a penalty of \$1,500 per violation for each of Counts 1 through 6, totaling \$9,000; and that  
14 it order Respondent to file any required Form 460 for any period in which the Committee was  
15 active and to terminate the Committee if it has ceased activities.  
16  
17

## 18 V. Conclusion

19 Based on the law and evidence presented, and the absence of significant factors in  
20 mitigation, staff requests that the Commission find that Respondent committed each violation as  
21 presented.  
22  
23  
24  
25  
26  
27

## APPENDIX

### List of Evidence in Support of Hearing Brief

1. Statement of Organization, Form 410, filed July 6, 2010
2. Recipient Committee Campaign Statement, Form 460, filed October 5, 2010
3. Recipient Committee Campaign Statement, Form 460, filed January 31, 2011
4. Letter dated August 11, 2011, from the Executive Director to Respondent
5. Letter dated August 26, 2011, from the Executive Director to Respondent

### Witnesses

1. Jacqueline Norman

### Law

1. California Political Reform Act – 2010 version
2. FPPC Regulation 18404
3. San Francisco Campaign Finance Reform Ordinance
4. Ethics Commission Regulations for Investigations and Enforcement Proceedings

1 JOHN ST. CROIX  
2 Executive Director  
3 SAN FRANCISCO ETHICS COMMISSION  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102  
6 415-252-3100

7 BEFORE THE SAN FRANCISCO  
8 ETHICS COMMISSION

9 In the Matter of:  
10 ETHICS COMPLAINT NO. 14-131112

**NOTICE PURSUANT TO  
CALIFORNIA GOVERNMENT CODE,  
SECTION 11514**

11  
12  
13  
14 The accompanying affidavit of Shaista Shaikh will be introduced as evidence at the hearing  
15 in the matter of Ethics Complaint 14-131112, to be held on October 27, 2014. Shaista Shaikh  
16 will not be called to testify orally and you will not be entitled to question her unless you notify  
17 John St. Croix, Executive Director of the San Francisco Ethics Commission, at 25 Van Ness  
18 Street, Suite 220, San Francisco, California, 94102, that you wish to cross-examine her. To be  
19 effective your request must be mailed or delivered to John St. Croix on or before September 15,  
20 2014.

1 JOHN ST. CROIX  
2 Executive Director  
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10 ETHICS COMPLAINT NO. 14-131112

11 **DECLARATION OF  
12 AUTHENTICATION OF  
13 COMPLAINANT'S EXHIBIT**

14 I, Shaista Shaikh, declare as follows:

15 1. I have personal knowledge of the contents of this declaration, and I could and would  
16 testify competently thereto if called upon to do so.


17 2. I am the Assistant Deputy Executive Director of the San Francisco Ethics  
18 Commission. I have worked at the San Francisco Ethics Commission since May 1998.

19 3. As Assistant Deputy Executive Director, I oversee the campaign finance program,  
20 including the auditing of campaign committees, conducting trainings on campaign finance rules, and  
21 the oversight of campaign finance staff. I am familiar with the filing requirements of campaign  
22 committees including the filing requirements of the Statement of Organization Recipient Committee  
23 Form 410, and the Recipient Committee Campaign Statement Form 460. A Form 410 discloses a  
24 campaign committee's contact information, how it is formed, its bank information, and the  
25 committee's treasurer and/or principal officer. A Form 460 discloses a campaign committee's  
26 contribution and expenditure activity. I am familiar with the paper and electronic filing of the Form  
27 410 and Form 460. I am also familiar with the legal provisions of the San Francisco Campaign  
28 Finance Reform Ordinance.

1           4.       The document attached as Exhibit 1 is a true and correct copy of the Statement of  
2 Organization Recipient Committee Form 410 filed by the “Committee to Elect Norman for  
3 Supervisor 2010” with the San Francisco Ethics Commission on July 6, 2010.

4           I declare, under penalty of perjury under the laws of the State of California, that the  
5 foregoing is true and correct.

6  
7  
8 DATED: September 4, 2014

  
Shaista Shaikh  
Assistant Deputy Executive Director  
San Francisco Ethics Commission

Statement of Organization  
Recipient Committee

SCANNED

ORIGINAL

Statement Type  Initial  
Not yet qualified  or

Amendment  
List I.D. number: # 1327771

Termination - See Part 5  
List I.D. number: #

Date qualified as committee \_\_\_\_\_  
(if applicable)

Date of Termination \_\_\_\_\_

STATEMENT OF ORGANIZATION  
CALIFORNIA FORM 410  
For Official Use Only

Date Stamp  
FILED  
2010 JUL -6 PH 3:29  
SAN FRANCISCO  
ETHICS COMMISSION

ENTERED

1. Committee Information

NAME OF COMMITTEE  
Committee to Elect Norman  
Sorensen 2010

STREET ADDRESS (NO P.O. BOX)  
5146 Third Street

CITY STATE ZIP CODE AREA CODE/PHONE  
SAN FRANCISCO CA 94124 415 336 415 3360

MAILING ADDRESS (IF DIFFERENT)

2. Treasurer and Other Principal Officers

NAME OF TREASURER  
Thea Evelyn Norman

STREET ADDRESS (NO P.O. BOX)  
26 Baudin Lane

CITY STATE ZIP CODE AREA CODE/PHONE  
SAN FRANCISCO CA 94124 415 336 415 3360

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE  
COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE  
San Francisco

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 6, 2010  
DATE

Executed on July 6, 2010  
DATE

Executed on \_\_\_\_\_  
DATE

Executed on \_\_\_\_\_  
DATE

By \_\_\_\_\_  
SIGNATURE OF TREASURER OR ASSISTANT TREASURER

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

EXHIBIT 1

## Statement of Organization Recipient Committee

# CALIFORNIA 410 FORM

### When to File

File the Form 410 within 10 days of receiving \$1,000 in contributions. See 24-hour reporting if the committee qualifies 16 days before an election. The date the form is postmarked is the date it is considered filed.

The "date qualified" as a committee is the date that the committee received contributions totaling \$1,000 or more during a calendar year. If a Form 410 is filed prior to receipt of \$1,000 in contributions, check the box "Not yet qualified." Once the committee qualifies, file an amended Form 410 to report the date qualified.

### Identification Number

Complete all sections applicable to your committee. Failure to provide all required information will result in rejection of the Form 410 and may put you in violation of the Act. After filing the Form 410, access the committee's ID number at [www.sos.ca.gov](http://www.sos.ca.gov).

### Where to File

**All Committees:** Original and one copy  
Secretary of State  
Political Reform Division  
1500 11th Street, Rm 495  
Sacramento, CA 95814

### County & City

**Committees:** Also file a copy with local filing officer who will receive the original campaign statements

### Terminating

File statements until the termination rules are met and the Form 410 Termination is filed.

### Amendments

When information contained in the committee's Statement of Organization changes, file an amendment within 10 days of the change with the Secretary of State and local filing officer (if applicable). During the period 16 days before an election, file an amendment within 24 hours as described below.

### 24-Hour Reporting

In addition to the 10 day rule to file an original Form 410:

- a recipient committee that qualifies during the 16 days prior to an election in which it must file pre-election statements must file a Form 410 by fax, guaranteed overnight delivery, or personal delivery within 24 hours of qualification with the filing officer who will receive the committee's original disclosure statements.
- a recipient committee that qualifies during the 16 days prior to an election in which the committee makes independent expenditures of \$1,000 or more to support or oppose a candidate in that election must file the Form 410 within 24 hours of qualification with the filing officer who will receive the committee's original disclosure statements and with the filing officer(s) for the candidate(s) supported or opposed by the independent expenditure. These filings must be made by fax, guaranteed overnight delivery, personal delivery or online (if online filing is available).
- if, during the 16 days prior to an election when a committee is required to file pre-election statements, a change occurs in the name of the committee, the treasurer, or other principal officers, or the controlling candidate, an

amendment must be filed with the filing officer receiving the committee's original campaign statements within 24 hours of the change. The amendment must be sent by fax, online transmission, guaranteed overnight delivery, or personal delivery.

### Recipient Committee Definition

A recipient committee is any individual (including an officeholder or a candidate), group of individuals, organization, or any other entity that receives contributions totaling \$1,000 or more during a calendar year. The term "contribution" includes monetary payments, loans and non-monetary goods and services received or made for a political purpose.

**Candidates:** The personal funds of a candidate or officeholder used in connection with seeking or holding elective office are contributions and are counted toward qualifying as a recipient committee. However, personal funds used to pay a candidate filing fee or a fee for the statement of qualifications to appear in the ballot pamphlet are not counted toward the \$1,000 threshold.

This form was prepared by the Fair Political Practices Commission (FPPC). For information on Political Reform Act (Act) requirements and the Information Practices Act of 1977, see the FPPC Campaign Disclosure Manual for your type of committee. Campaign filing deadlines, forms, and other informational materials are available on the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)).



Statement of Organization  
Recipient Committee

STATEMENT OF ORGANIZATION

CALIFORNIA  
FORM  
**410**

INSTRUCTIONS ON REVERSE

COMMITTEE NAME: Committee to Elect Norman Supervisor 2010

I.D. NUMBER: \_\_\_\_\_

**4. Type of Committee** Complete the applicable sections.

**Controlled Committee**

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "non-partisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROponent	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
Jacqueline Norman	Supervisor District #10	2010	<input type="checkbox"/> Non-Partisan <input checked="" type="checkbox"/> Democrat

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AREA CODE/PHONE: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

BANK ACCOUNT NUMBER: \_\_\_\_\_

**Primarily Formed Committee**

Primarily formed to support or oppose specific candidates or measures in a single election. List below.

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)		CHECK ONE	
	SUPPORT	OPPOSE	SUPPORT	OPPOSE

# Instructions for Statement of Organization

## Statement Type:

### Initial

The "date qualified" as a committee is the date that the committee received contributions totaling \$1,000 or more during a calendar year.

### Amendment

If any of the information reported on an initial statement of organization changes:

- Mark the amendment box;
- Include the committee's ID number and name;
- Provide the changed information; and
- Complete the verification.

### Candidates:

Under certain circumstances, a candidate for local office may amend the Form 410 to indicate that he or she is seeking another term of the same office (re-election). A candidate for state office must open a separate committee for each term of office and may not amend the Form 410 to redesignate an election committee.

### Termination

List the committee's identification number and indicate the date of termination.

## 1. Committee Information:

Provide the full name of the committee. A committee may use only one name.

The committee's street address must be reported. A post office box is not acceptable. The committee's mailing address must also be reported if it is different from the committee's street address. A post office box is acceptable for the mailing address. A committee's "domicile" is its address as listed on the Form 410. Los Angeles is the county of domicile for committees located outside California.

## Committee Name Requirements

The following committee name rules apply to the Form 410, the committee's campaign statements and to any other references to the committee required by law. See the instructions for Part 4 for committee definitions.

**Candidate Controlled Committees (including ballot measure committees):** Any committee that is controlled by a state or local candidate or officeholder must include the last name of the candidate in the name of the committee. In addition, the following rules also apply:

- An election committee controlled by one or more state or local candidates must also include the office the candidate(s) is seeking and the year of the election (e.g., Friends of Smith for Assembly 2010, Jones for Council 2010).
- An officeholder committee set up by a state officeholder must also include the office held, the year the officeholder was elected to the current term of office, and the words "Officeholder Account," as part of the committee name (e.g., Anderson Assembly 2010 Officeholder Account).
- A legal defense fund set up by a state or local candidate or officeholder must also include the words "Legal Defense Fund" as part of the committee name (e.g., Senator Smith Legal Defense Fund).

- A ballot measure committee controlled by one or more state candidates must also state that it is a ballot measure committee (e.g., Senator Lee's Ballot Measure Committee). See additional requirements for primarily formed committees.

**Sponsored Committees:** A sponsored committee (including most political action committees) must include the full name of its sponsor in the name of the committee. If the committee has more than one sponsor and the sponsors are members of an industry or other identifiable group, include a term identifying that industry or group.

## Primarily Formed Committees

**Ballot Measures:** The name of each committee primarily formed to support or oppose a ballot measure must include:

- A statement identifying whether it supports or opposes the ballot measure(s) (e.g., Committee For Proposition/Measure \_\_\_ or Committee Against Proposition/Measure \_\_\_).
- The name must include the economic or other special interests of its major donors of \$50,000 or more, in descending order based on the amount contributed to the committee. The list of these economic or special interests may not be interspersed with constituencies such as "concerned citizens, or consumers."
- The name of any state or local candidate that contributes \$50,000 or more.
- Prior to the designation of the ballot measure number, a primarily formed ballot measure committee controlled by a state candidate must also state that it is a ballot measure committee (e.g., Senator Gomez's Ballot Measure Committee).

**Recalls:** Each committee established for a recall election must include the name of the officeholder subject to the recall. If the committee is not controlled by the officeholder, the committee must state its support or opposition (e.g., Committee Opposing the Recall of Council Member Doe).

**Supporting or Opposing a Candidate:** The name of each committee primarily formed to support or oppose a state or local candidate(s) being voted on in a single election, other than a recall election, must include the name of each candidate, the office sought, the year of the election and must state whether the committee supports or opposes the candidate(s) (e.g., Committee to Support Doe for Senate 2010).

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10 In the Matter of:  
11 ETHICS COMPLAINT NO. 14-131112

**NOTICE PURSUANT TO  
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SECTION 11514**

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17 John St. Croix, Executive Director of the San Francisco Ethics Commission, at 25 Van Ness  
18 Street, Suite 220, San Francisco, California, 94102, that you wish to cross-examine her. To be  
19 effective your request must be mailed or delivered to John St. Croix on or before September 15,  
20 2014.

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11 ETHICS COMPLAINT NO. 14-131112  
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**DECLARATION OF  
AUTHENTICATION OF  
COMPLAINANT'S EXHIBIT**

13  
14 I, Shaista Shaikh, declare as follows:

15 1. I have personal knowledge of the contents of this declaration, and I could and would  
16 testify competently thereto if called upon to do so.


17 2. I am the Assistant Deputy Executive Director of the San Francisco Ethics  
18 Commission. I have worked at the San Francisco Ethics Commission since May 1998.

19 3. As Assistant Deputy Executive Director, I oversee the campaign finance program,  
20 including the auditing of campaign committees, conducting trainings on campaign finance rules, and  
21 the oversight of campaign finance staff. I am familiar with the filing requirements of campaign  
22 committees including the filing requirements of the Statement of Organization Recipient Committee  
23 Form 410, and the Recipient Committee Campaign Statement Form 460. A Form 410 discloses a  
24 campaign committee's contact information, how it is formed, its bank information, and the  
25 committee's treasurer and/or principal officer. A Form 460 discloses a campaign committee's  
26 contribution and expenditure activity. I am familiar with the paper and electronic filing of the Form  
27 410 and Form 460. I am also familiar with the legal provisions of the San Francisco Campaign  
28 Finance Reform Ordinance.

1           4.       The document attached as Exhibit 2 is a true and correct copy of the Recipient  
2 Committee Campaign Statement Form 460 filed by the "Committee to Elect Norman for Supervisor  
3 2010" with the San Francisco Ethics Commission on October 5, 2010.

4           I declare, under penalty of perjury under the laws of the State of California, that the  
5 foregoing is true and correct.

6  
7  
8 DATED: September 4, 2014

  
Shaista Shaikh  
Assistant Deputy Executive Director  
San Francisco Ethics Commission

ORIGINAL

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

62704591

SEE INSTRUCTIONS ON REVERSE

Type or print in ink SCANNED

COVER PAGE CALIFORNIA FORM 460

Date Stamp FILED

Date of election if applicable: OCT -5 PM 2:41

Page 1 of 9

For Official Use Only

Statement covers period from 01/01/2010 through 09/30/2010

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4.

- Officerholder, Candidate Controlled Committee
State Candidate Election Committee
Recall
General Purpose Committee
Sponsored
Small Contributor Committee
Political Party/Central Committee
Primarily Formed Ballot Measure Committee
Controlled
Sponsored
Primarily Formed Candidate/Officerholder Committee

2. Type of Statement:

- Preelection Statement
Semi-annual Statement
Termination Statement
Amendment
Quarterly Statement
Special Odd-Year Report
Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER 1327771

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Committee to Elect Norman for Supervisor 2010

Treasurer(s)

NAME OF TREASURER Jacqueline Norman
MAILING ADDRESS 26 Hawkins Lane
CITY San Francisco
STATE CA
ZIP CODE 94124
AREA CODE/PHONE (415) 724-9360

STREET ADDRESS (NO P.O. BOX) 5146 Third Street
CITY San Francisco
STATE CA
ZIP CODE 94124
AREA CODE/PHONE (415) 724-9360

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
CITY
STATE
ZIP CODE
AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS normanjackie1@yahoo.com

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/5/10 Date

Executed on 10/5/10 Date

Executed on Date

Executed on Date

By [Signature] Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor
By [Signature] Signature of Controlling Officerholder, Candidate, State Measure Proponent
By [Signature] Signature of Controlling Officerholder, Candidate, State Measure Proponent

Type or print in ink.

COVER PAGE - PART 2

# Recipient Committee Campaign Statement Cover Page — Part 2

CALIFORNIA  
FORM **460**

Page 2 of 9

## 5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE

Jacqueline Norman  
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
Board of Supervisors - District 10 City & County of San Francisco

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
26 Hawkins Lane San Francisco CA 94124

**Related Committees Not Included in this Statement:** List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

## 6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION

SUPPORT  
 OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPOSER

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

## 7. Primarily Formed Candidate/Officeholder Committee

List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

Statement covers period  
from 01/01/2010  
through 09/30/2010

CALIFORNIA FORM 460

Page 3 of 9

I.D. NUMBER  
1327771

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	\$ 1,550.00	\$ 1,550.00
2. Loans Received	\$ 7,087.35	\$ 7,087.35
3. SUBTOTAL CASH CONTRIBUTIONS	\$ 8,637.35	\$ 8,637.35
4. Nonmonetary Contributions	\$ 0.00	\$ 0.00
5. TOTAL CONTRIBUTIONS RECEIVED	\$ 8,637.35	\$ 8,637.35

**Calendar Year Summary for Candidates  
Running in Both the State Primary and  
General Elections**

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ \_\_\_\_\_

21. Expenditures Made \$ \_\_\_\_\_

## Expenditures Made

6. Payments Made	\$ 6,385.22	\$ 6,385.22
7. Loans Made	\$ 0.00	\$ 0.00
8. SUBTOTAL CASH PAYMENTS	\$ 6,385.22	\$ 6,385.22
9. Accrued Expenses (Unpaid Bills)	\$ 0.00	\$ 0.00
10. Nonmonetary Adjustment	\$ 0.00	\$ 0.00
11. TOTAL EXPENDITURES MADE	\$ 6,385.22	\$ 6,385.22

**Expenditure Limit Summary for State  
Candidates**

22. Cumulative Expenditures Made\*  
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) \_\_\_\_\_ Total to Date \$ \_\_\_\_\_

## Current Cash Statement

12. Beginning Cash Balance	\$ 0.00	Previous Summary Page, Line 16
13. Cash Receipts	\$ 8,637.35	Column A, Line 3 above
14. Miscellaneous Increases to Cash	\$ 0.00	Schedule I, Line 4
15. Cash Payments	\$ 6,385.22	Column A, Line 8 above
16. ENDING CASH BALANCE	\$ 2,252.13	Add Lines 12 + 13 + 14, then subtract Line 15

If this is a termination statement, Line 16 must be zero.

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

## LOAN GUARANTEES RECEIVED

17. LOAN GUARANTEES RECEIVED	\$ 0.00	Schedule B, Part 2
------------------------------	---------	--------------------

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents	\$ 0.00	See instructions on reverse
19. Outstanding Debts	\$ 7,087.35	Add Line 2 + Line 9 in Column B above



**Schedule A  
Monetary Contributions Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SCHEDULE A

Statement covers period  
from 01/01/2010  
through 09/30/2010

Page 4 of 9

I.D. NUMBER  
1327771

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

CALIFORNIA  
FORM  
**460**

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
07/29/2010	Jackie Norman 26 Hawkins ln San Francisco CA 94124	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$100.00	\$7,187.35	
09/03/2010	Robert Nurisso 847 Durlston Redwood City CA 94062	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Owner Broadway Mechanical Inc	\$500.00	\$500.00	
09/12/2010	Oscar Norman 11080 Santiam River Ct Rancho Cordova CA 95670	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired Retired	\$100.00	\$100.00	
09/15/2010	Denise LaPointe 290 Tein Peaks Blvd San Francisco CA 94112	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Owner LaPointe and Associates	\$100.00	\$100.00	
09/18/2010	Toya Moses 66 Venus St San Francisco CA 94124	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Human Services Toya Moses	\$100.00	\$100.00	
<b>SUBTOTAL \$</b>				<b>\$900.00</b>		

**Schedule A Summary**

- Amount received this period - itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ \$1,550.00
- Amount received this period - unitemized monetary contributions of less than \$100 ..... \$ \$0.00
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** \$1,550.00

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

# Schedule A (Continuation Sheet) Monetary Contributions Received

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SCHEDULE A (CONT.)

Statement covers period

from 01/01/2010  
through 09/30/2010

**CALIFORNIA FORM 460**

Page 5 of 9

I.D. NUMBER

1327771

NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
09/18/2010	Robert Sims 2 Bell Ct San Francisco CA 94124	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Property Manager Ciliscap Property Management	\$100.00	\$100.00	
09/18/2010	Louella Uku P.O.Box 861582 San Francisco CA 94188	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Educator SPSUSD	\$200.00	\$200.00	
09/18/2010	Lola Whittle 2929 Griffith San Francisco CA 94124	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Director Renaissance Buiness Management	\$100.00	\$100.00	
09/28/2010	Frederick Nurisso 3713 Brandy Rock way Redwood City CA 94061	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	President Broadway Mechanical Inc	\$250.00	\$250.00	
				<b>SUBTOTAL \$</b>		
				\$650.00		

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee (other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

**CALIFORNIA 460 FORM**

Page 6 of 9

Type or print in ink.  
Amounts may be rounded to whole dollars.

**Schedule B - Part 1  
Loans Received**

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

Statement covers period  
from 01/01/2010  
through 09/30/2010

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	AMOUNT RECEIVED THIS PERIOD	AMOUNT PAID OR FORGIVEN THIS PERIOD*	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	INTEREST PAID THIS PERIOD	ORIGINAL AMOUNT OF LOAN	CUMULATIVE CONTRIBUTIONS TO DATE
(f)	(g)	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$ 0.00	\$ 500.00	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 500.00	0.00 % RATE	\$ 500.00 08/09/2010 DATE INCURRED	\$ 7,187.35 PER ELECTION**
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$ 0.00	\$ 2,290.00	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 2,290.00	0.00 % RATE	\$ 2,290.00 08/31/2010 DATE INCURRED	\$ 7,187.35 PER ELECTION**
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$ 0.00	\$ 2,550.00	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 2,550.00	0.00 % RATE	\$ 2,550.00 09/03/2010 DATE INCURRED	\$ 7,187.35 PER ELECTION**
<b>SUBTOTALS</b>		\$ 0.00	\$ 5,340.00	\$ 0.00	\$ 5,340.00	\$ 0.00		

**Schedule B Summary**

- Loans received this period ..... \$ 7,087.35  
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ 0.00  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... **NET \$ 7,087.35**  
Enter the net here and on the Summary Page, Column A, Line 2.

Contributor Codes  
IND - Individual  
COM - Recipient Committee (other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

**Schedule B - Part 1  
Loans Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

Statement covers period  
from 01/01/2010 through 09/30/2010

Page 7 of 9

NAME OF FILER

I.D. NUMBER

Committee to Elect Norman for Supervisor 2010

1327771

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO A1 Norman Mechanical	\$ 50.00	\$ 1,747.35	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN	\$ 1,747.35 08/31/2013 DATE DUE	0.00 % RATE	\$ 1,747.35 08/31/2010 DATE INCURRED	\$ 7,187.35 PER ELECTION**
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN	\$ _____ DATE DUE	% RATE	\$ _____ DATE INCURRED	\$ _____ PER ELECTION**
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN	\$ _____ DATE DUE	% RATE	\$ _____ DATE INCURRED	\$ _____ PER ELECTION**
<b>SUBTOTALS \$</b>		\$ 50.00	\$ 1,747.35	\$ 0.00	\$ 1,747.35	\$ 0.00		

**Schedule B Summary**

- Loans received this period  
(Total Column (b) plus unfitemized loans of less than \$100.) ..... \$ 7,087.35
- Loans paid or forgiven this period  
(Total Column (c) plus loans under \$100 paid or forgiven.) ..... \$ 0.00  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... NET \$ 7,087.35  
Enter the net here and on the Summary Page, Column A, Line 2.

Contributor Codes  
IND - Individual  
COM - Recipient Committee  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

# Schedule E Payments Made

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 01/01/2010  
through 09/30/2010

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Committee to Elect Norman for Supervisor 2010

Page 8 of 9

I.D. NUMBER  
1327771

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- CVP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)\*
- CVC civic donations
- FIL candidate filing/ballot fees
- FND fundraising events
- IND independent expenditure supporting/opposing others (explain)\*
- LEG legal defense
- LIT campaign literature and mailings

- MBR member communications
- MTG meetings and appearances
- OFC office expenses
- PET petition circulating
- PHO phone banks
- POL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio airtime and production costs
- RFD returned contributions
- SAL campaign workers' salaries
- TEL t.v. or cable airtime and production costs
- TRC candidate travel, lodging, and meals
- TRS staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOT voter registration
- WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Wilms Company Inc. 5978 Mission St San Francisco CA 94112	PRT			\$348.00
CBS Outdoors 1695 Eastshore Hwy Berkeley CA 94710	PRT			\$4,550.00
Spotlight Design and Printing 725 Bryant San Francisco CA 94107	PRT			\$151.11

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$** \$5,049.11

## Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.) ..... \$ 5,049.11
2. Unitemized payments made this period of under \$100 ..... \$ 0.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... **TOTAL \$** 5,049.11

# Schedule E (Continuation Sheet) Payments Made

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER: Committee to Elect Norman for Supervisor 2010

Statement covers period  
from 01/01/2010 through 09/30/2010

Page 9 of 9

I.D. NUMBER  
1327771

**CODES:** if one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- |                                                                   |                                               |                                                               |
|-------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------|
| CMP campaign paraphernalia/misc.                                  | MBR member communications                     | RAD radio airtime and production costs                        |
| CNS campaign consultants                                          | MTG meetings and appearances                  | RFD returned contributions                                    |
| CTB contribution (explain nonmonetary)*                           | OFC office expenses                           | SAL campaign workers' salaries                                |
| CVC civic donations                                               | PET petition circulating                      | TEL t.v. or cable airtime and production costs                |
| FL candidate filing/ballot fees                                   | PHO phone banks                               | TRC candidate travel, lodging, and meals                      |
| FND fundraising events                                            | POL polling and survey research               | TRS staff/spouse travel, lodging, and meals                   |
| IND independent expenditure supporting/opposing others (explain)* | POS postage, delivery and messenger services  | TSF transfer between committees of the same candidate/sponsor |
| LEG legal defense                                                 | PRO professional services (legal, accounting) | VOT voter registration                                        |
| LIT campaign literature and mailings                              | PRT print ads                                 | WEB information technology costs (internet, e-mail)           |

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Copyworld 2001 3rd st San Francisco CA 94107	PRT		\$1,066.29
Comcast Buinsness Services 755 Sansome St San Francisco CA 94111	OFC		\$269.82
<b>SUBTOTAL \$</b>			<b>\$1,336.11</b>

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

1 JOHN ST. CROIX  
Executive Director  
2 SAN FRANCISCO ETHICS COMMISSION  
25 Van Ness Avenue, Suite 220  
3 San Francisco, CA 94102  
4 415-252-3100

5  
6 BEFORE THE SAN FRANCISCO  
7 ETHICS COMMISSION  
8

9  
10 In the Matter of:  
11 ETHICS COMPLAINT NO. 14-131112  
12

**NOTICE PURSUANT TO  
CALIFORNIA GOVERNMENT CODE,  
SECTION 11514**

13  
14 The accompanying affidavit of Shaista Shaikh will be introduced as evidence at the hearing  
15 in the matter of Ethics Complaint 14-131112, to be held on October 27, 2014. Shaista Shaikh  
16 will not be called to testify orally and you will not be entitled to question her unless you notify  
17 John St. Croix, Executive Director of the San Francisco Ethics Commission, at 25 Van Ness  
18 Street, Suite 220, San Francisco, California, 94102, that you wish to cross-examine her. To be  
19 effective your request must be mailed or delivered to John St. Croix on or before September 15,  
20 2014.  
21  
22  
23  
24  
25  
26  
27  
28

1 JOHN ST. CROIX  
Executive Director  
2 SAN FRANCISCO ETHICS COMMISSION  
25 Van Ness Avenue, Suite 220  
3 San Francisco, CA 94102  
4 415-252-3100

5  
6 BEFORE THE SAN FRANCISCO  
7 ETHICS COMMISSION

8  
9 In the Matter of:  
10 ETHICS COMPLAINT NO. 14-131112  
11

**DECLARATION OF  
AUTHENTICATION OF  
COMPLAINANT'S EXHIBIT**

12  
13  
14 I, Shaista Shaikh, declare as follows:


- 15 1. I have personal knowledge of the contents of this declaration, and I could and would  
16 testify competently thereto if called upon to do so.
- 17 2. I am the Assistant Deputy Executive Director of the San Francisco Ethics  
18 Commission. I have worked at the San Francisco Ethics Commission since May 1998.
- 19 3. As Assistant Deputy Executive Director, I oversee the campaign finance program,  
20 including the auditing of campaign committees, conducting trainings on campaign finance rules, and  
21 the oversight of campaign finance staff. I am familiar with the filing requirements of campaign  
22 committees including the filing requirements of the Statement of Organization Recipient Committee  
23 Form 410, and the Recipient Committee Campaign Statement Form 460. A Form 410 discloses a  
24 campaign committee's contact information, how it is formed, its bank information, and the  
25 committee's treasurer and/or principal officer. A Form 460 discloses a campaign committee's  
26 contribution and expenditure activity. I am familiar with the paper and electronic filing of the Form  
27 410 and Form 460. I am also familiar with the legal provisions of the San Francisco Campaign  
28 Finance Reform Ordinance.



1           4.       The document attached as Exhibit 3 is a true and correct copy of the Recipient  
2 Committee Campaign Statement Form 460 filed by the “Committee to Elect Norman for Supervisor  
3 2010” with the San Francisco Ethics Commission on January 31, 2011.

4           I declare, under penalty of perjury under the laws of the State of California, that the  
5 foregoing is true and correct.

6  
7  
8 DATED: September 4, 2014

  
Shaista Shaikh  
Assistant Deputy Executive Director  
San Francisco Ethics Commission

**Recipient Committee  
Campaign Statement  
Cover Page**

(Government Code Sections 84200-84216.5)

**ORIGINAL**

Type or print in ink.

**SCANNEL**

COVER PAGE

**CALIFORNIA  
FORM  
460**

Page 1 of 7

For Official Use Only

Date Stamp

2011 JAN 31 AM 11:3

SAN FRANCISCO  
ETHICS COMMISSION

SEE INSTRUCTIONS ON REVERSE

**1. Type of Recipient Committee:** All Committees - Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee
- (Also Complete Part 7)

**2. Type of Statement:**

- Preelection Statement
- Semi-annual Statement
- Termination Statement
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

*corrected metadata*

**3. Committee Information**

I.D. NUMBER  
1327771

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
Committee to Elect Norman for Supervisor 2010

**Treasurer(s)**

NAME OF TREASURER  
Jacqueline Norman  
MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE  
San Francisco CA 94124 (415) 724-9360

CITY STATE ZIP CODE AREA CODE/PHONE  
San Francisco CA 94124 (415) 724-9360

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS

normanjackie1@yahoo.com

**4. Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 1/31/11 Date  
Executed on 1/31/11 Date  
Executed on \_\_\_\_\_ Date  
Executed on \_\_\_\_\_ Date

By [Signature] Signature of Treasurer or Assistant Treasurer  
By [Signature] Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor  
By \_\_\_\_\_ Signature of Controlling Officer/holder, Candidate, State Measure Proponent  
By \_\_\_\_\_ Signature of Controlling Officer/holder, Candidate, State Measure Proponent

**Recipient Committee  
Campaign Statement  
Cover Page**

(Government Code Sections 84200-84216.5)

1.4374077

SEE INSTRUCTIONS ON REVERSE

**1. Type of Recipient Committee:** All Committees - Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall (Also Complete Part 5)
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

**3. Committee Information**

I.D. NUMBER  
1327771

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
Committee to Elect Norman for Supervisor 2010

STREET ADDRESS (NO P.O. BOX)  
5146 Third Street

CITY  
San Francisco

STATE CA ZIP CODE 94124

AREA CODE/PHONE (415) 724-9360

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

**4. Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_  
Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_  
Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_  
Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_

By \_\_\_\_\_ Signature of Treasurer or Assistant Treasurer  
By \_\_\_\_\_ Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor  
By \_\_\_\_\_ Signature of Controlling Officerholder, Candidate, State Measure Proponent  
By \_\_\_\_\_ Signature of Controlling Officerholder, Candidate, State Measure Proponent

FPPC Form 460 (January/05)  
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)  
State of California

COVER PAGE

**CALIFORNIA FORM 460**

Date Stamp \_\_\_\_\_

Page 1 of 7  
For Official Use Only

Type or print in ink.

Statement covers period from 10/17/2010 through 12/31/2010

Date of election if applicable: (Month, Day, Year) \_\_\_\_\_

**2. Type of Statement:**

- Preelection Statement
- Semi-annual Statement
- Termination Statement (Also file a Form 410 Termination)
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental/Preelection Statement - Attach Form 495

**Treasurer(s)**

NAME OF TREASURER

Jacqueline Norman  
MAILING ADDRESS

26 Hawkins Lane  
CITY

STATE CA ZIP CODE 94124

AREA CODE/PHONE (415) 724-9360

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

normanjackie1@yahoo.com

**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

Type or print in ink.

COVER PAGE—PART 2

CALIFORNIA  
FORM **460**

Page 2 of 7

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE

Jacqueline Norman  
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
Board of Supervisors - District 10 C... City & County of San Francisco

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
26 Hawkins Lane San Francisco CA 94124

**Related Committees Not Included in this Statement:** List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME I.D. NUMBER  
NAME OF TREASURER CONTROLLED COMMITTEE?  
 YES  NO  
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME I.D. NUMBER  
NAME OF TREASURER CONTROLLED COMMITTEE?  
 YES  NO  
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION

SUPPORT  
 OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROponent

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

**7. Primarily Formed Candidate/Officeholder Committee** List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

Statement covers period  
from 10/17/2010  
through 12/31/2010

CALIFORNIA  
FORM **460**

Page 3 of 7  
I.D. NUMBER  
1327771

**SEE INSTRUCTIONS ON REVERSE**

NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDARYEAR TOTAL TO DATE
1. Monetary Contributions .....	Schedule A, Line 3 \$ 600.00	\$ 3,030.00
2. Loans Received .....	Schedule B, Line 3 \$ 0.00	\$ 8,087.35
3. SUBTOTAL CASH CONTRIBUTIONS .....	Add Lines 1 + 2 \$ 600.00	\$ 11,117.35
4. Nonmonetary Contributions .....	Schedule C, Line 3 \$ 0.00	\$ 0.00
5. TOTAL CONTRIBUTIONS RECEIVED .....	Add Lines 3 + 4 \$ 600.00	\$ 11,117.35

## Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ \_\_\_\_\_  
21. Expenditures Made \$ \_\_\_\_\_

## Expenditures Made

6. Payments Made .....	Schedule E, Line 4 \$ 1,407.00	\$ 8,737.22
7. Loans Made .....	Schedule H, Line 3 \$ 0.00	\$ 0.00
8. SUBTOTAL CASH PAYMENTS .....	Add Lines 6 + 7 \$ 1,407.00	\$ 8,737.22
9. Accrued Expenses (Unpaid Bills) .....	Schedule F, Line 3 \$ 0.00	\$ 0.00
10. Nonmonetary Adjustment .....	Schedule C, Line 3 \$ 0.00	\$ 0.00
11. TOTAL EXPENDITURES MADE .....	Add Lines 6 + 9 + 10 \$ 1,407.00	\$ 8,737.22

## Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made\*  
(if Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) \_\_\_\_\_ Total to Date \$ \_\_\_\_\_

## Current Cash Statement

12. Beginning Cash Balance .....	Previous Summary Page, Line 16 \$ 3,187.13
13. Cash Receipts .....	Column A, Line 3 above \$ 600.00
14. Miscellaneous Increases to Cash .....	Schedule I, Line 4 \$ 0.00
15. Cash Payments .....	Column A, Line 8 above \$ 1,407.00
16. ENDING CASH BALANCE .....	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 2,380.13

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED .....

Schedule B, Part 2 \$ 0.00
----------------------------

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents .....	See instructions on reverse \$ 0.00
19. Outstanding Debts .....	Add Line 2 + Line 9 in Column B above \$ 8,087.35

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

\*Amounts in this section may be different from amounts reported in Column B.

# Schedule A Monetary Contributions Received

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 10/17/2010  
through 12/31/2010

Page 4 of 7  
I.D. NUMBER  
1327771

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER  
Committee to Elect Norman for Supervisor 2010

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/18/2010	Musa Dirbas 4600 3rd st San Francisco CA 94124	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Owner Kennedy Market	\$500.00	\$500.00	
10/20/2010	Frank Dorsey P.O. Box 347113 San Francisco CA 94134-7113	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Tax Preparer DBA Tax Service	\$100.00	\$100.00	
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
<b>SUBTOTAL \$</b>				<b>\$600.00</b>		

## Schedule A Summary

- Amount received this period -- itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ 600.00
- Amount received this period -- unitemized monetary contributions of less than \$100 ..... \$ 0.00
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 600.00

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
(other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

# Schedule B - Part 1 Loans Received

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SCHEDULE B - PART 1

CALIFORNIA  
FORM 460

SEE INSTRUCTIONS ON REVERSE

Statement covers period  
from 10/17/2010  
through 12/31/2010

Page 5 of 7

NAME OF FILER

Committee to Elect Norman for Supervisor 2010

I.D. NUMBER  
1327771

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO AL Norman Mechanical	\$ 500.00	\$ 0.00	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$ 500.00 08/09/2010 DATE DUE	0.00 % RATE	\$ 500.00	\$ 8,187.35 PERELECTION**
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO AL Norman Mechanical	\$ 2,290.00	\$ 0.00	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$ 2,290.00 08/31/2010 DATE DUE	0.00 % RATE	\$ 2,290.00	\$ 8,187.35 PERELECTION**
Jackie Norman 26 Hawkins Ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO AL Norman Mechanical	\$ 2,550.00	\$ 0.00	<input type="checkbox"/> PAID \$ <input type="checkbox"/> FORGIVEN \$	\$ 2,550.00 09/03/2010 DATE DUE	0.00 % RATE	\$ 2,550.00	\$ 8,187.35 PERELECTION**
<b>SUBTOTALS \$</b>		\$ 0.00	\$ 0.00	\$ 0.00	\$ 5,340.00	\$ 0.00	\$ 0.00	

## Schedule B Summary

- Loans received this period ..... \$ 0.00  
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ 0.00  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... NET \$ 0.00  
Enter the net here and on the Summary Page, Column A, Line 2.  
(May be a negative number)

Contributor Codes  
IND - Individual  
COM - Recipient Committee  
OTH - Other (other than PTY or SCC)  
PTY - Political Party  
SCC - Small Contributor Committee

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

**Schedule B - Part 1  
Loans Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER: Committee to Elect Norman for Supervisor 2010  
Statement covers period from 10/17/2010 through 12/31/2010  
Page 6 of 7  
I.D. NUMBER: 1327771

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Jackie Norman 26 Hawkins ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$ 1,747.35	\$ 0.00	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 1,747.35 08/31/2013 DATE DUE	0.00 % RATE	\$ 1,747.35 08/31/2010 DATE INCURRED	\$ 8,187.35 PER ELECTION **
Jackie Norman 26 Hawkins ln San Francisco CA 94124 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	CFO Al Norman Mechanical	\$ 1,000.00	\$ 0.00	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 1,000.00 10/14/2013 DATE DUE	0.00 % RATE	\$ 1,000.00 10/14/2010 DATE INCURRED	\$ 8,187.35 PER ELECTION **
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____ DATE DUE	% RATE	\$ _____ DATE INCURRED	\$ _____
<b>SUBTOTALS</b>		\$ 0.00	\$ 0.00	\$ 0.00	\$ 2,747.35	\$ 0.00		

**Schedule B Summary**

- Loans received this period (Total Column (b) plus unitemized loans of less than \$100.) \$ 0.00
- Loans paid or forgiven this period (Total Column (c) plus loans under \$100 paid or forgiven.) (Include loans paid by a third party that are also itemized on Schedule A.) \$ 0.00
- Net change this period. (Subtract Line 2 from Line 1.) Enter the net here and on the Summary Page, Column A, Line 2. NET \$ 0.00

Contributor Codes  
IND - Individual  
COM - Recipient Committee (other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.



# Schedule E Payments Made

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Committee to Elect Norman for Supervisor 2010

Statement covers period

from 10/17/2010

through 12/31/2010

Page 7 of 7

I.D. NUMBER

1327771

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications
CNS	campaign consultants	MTG	meetings and appearances
CTB	contribution (explain nonmonetary)*	OFC	office expenses
CVC	civic donations	PEI	petition circulating
FIL	candidate filing/ballot fees	PHO	phone banks
FND	fundraising events	POL	polling and survey research
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services
LEG	legal defense	PRO	professional services (legal, accounting)
LIT	campaign literature and mailings	PRT	print ads

RAD	radio airtime and production costs
RFD	returned contributions
SAL	campaign workers' salaries
TEL	t.v. or cable airtime and production costs
TRC	candidate travel, lodging, and meals
TRS	staff/spouse travel, lodging, and meals
TSF	transfer between committees of the same candidate/sponsor
VOT	voter registration
WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE  
(IF COMMITTEE, ALSO ENTER I.D. NUMBER)

Copyworld	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
2001 3rd st San Francisco CA 94107	PRT			\$1,200.00
Uhau 1575 Bayshore ave San Francisco CA 94124	OFC			\$121.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 1,321.00

## Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) ..... \$ 1,321.00
- Unitemized payments made this period of under \$100 ..... \$ 86.00
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0.00
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... TOTAL \$ 1,407.00

1 JOHN ST. CROIX  
Executive Director  
2 SAN FRANCISCO ETHICS COMMISSION  
25 Van Ness Avenue, Suite 220  
3 San Francisco, CA 94102  
4 415-252-3100

5  
6 BEFORE THE SAN FRANCISCO  
7 ETHICS COMMISSION  
8

9  
10 In the Matter of:  
11 ETHICS COMPLAINT NO. 14-131112  
12

**NOTICE PURSUANT TO  
CALIFORNIA GOVERNMENT CODE,  
SECTION 11514**

13  
14 The accompanying affidavit of John St. Croix will be introduced as evidence at the hearing in  
15 the matter of Ethics Complaint 14-131112, to be held on October 27, 2014. John St. Croix will  
16 not be called to testify orally and you will not be entitled to question him unless you notify John  
17 St. Croix, Executive Director of the San Francisco Ethics Commission, at 25 Van Ness Street,  
18 Suite 220, San Francisco, California, 94102, that you wish to cross-examine him. To be effective  
19 your request must be mailed or delivered to John St. Croix on or before September 15, 2014.  
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1 JOHN ST. CROIX  
2 Executive Director  
3 SAN FRANCISCO ETHICS COMMISSION  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102  
6 415-252-3100

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BEFORE THE SAN FRANCISCO  
ETHICS COMMISSION

In the Matter of:  
ETHICS COMPLAINT NO. 14-131112

**DECLARATION OF  
AUTHENTICATION OF  
COMPLAINANT'S EXHIBIT**

I, John St. Croix, declare as follows:

1. I have personal knowledge of the contents of this declaration, and I could and would testify competently thereto if called upon to do so.


2. I am the Executive Director of the San Francisco Ethics Commission. I have been the Executive Director of the San Francisco Ethics Commission since 2004.

3. As Executive Director, I oversee all functions of the Ethics Commission at a departmental level including the enforcement program, the campaign finance program, and the oversight of enforcement and campaign finance staff. I am familiar with the filing requirements of campaign committees including the filing requirements of the Statement of Organization Recipient Committee Form 410, and the Recipient Committee Campaign Statement Form 460. A Form 410 discloses a campaign committee's contact information, how it is formed, its bank information, and the committee's treasurer and/or principal officer. A Form 460 discloses a campaign committee's contribution and expenditure activity. I am familiar with the paper and electronic filing of the Form 410 and Form 460. I am also familiar with the legal provisions of the San Francisco Campaign Finance Reform Ordinance.

1           4.       The document attached as Exhibit 4 is a true and correct copy of a letter dated August  
2 11, 2011, regarding the “Notice of Failure to File Campaign Statement” that I sent to the  
3 “Committee to Elect Norman for Supervisor 2010” on August 11, 2011.

4           I declare, under penalty of perjury under the laws of the State of California, that the  
5 foregoing is true and correct.

6  
7  
8 DATED: September 3, 2014

  
\_\_\_\_\_  
John St. Croix  
Executive Director  
San Francisco Ethics Commission



ETHICS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

1 COPY

August 11, 2011

BENEDICT Y. HUR  
CHAIRPERSON  
JAMIEENNE S. STUDLEY  
VICE-CHAIRPERSON  
BEVERLY HAYON  
COMMISSIONER  
DOROTHY S. LIU  
COMMISSIONER  
CHARLES L. WARD  
COMMISSIONER  
JOHN ST. CROIX  
EXECUTIVE DIRECTOR

Jacqueline Norman  
Committee to Elect Norman for Supervisor 2010, [ID#1327771]  
26 Hawkins Lane  
San Francisco, CA 94124

RE: Notice of Failure to File Campaign Statement (Period Ending June 30, 2011)

Dear Treasurer/Candidate:

According to our records, your campaign finance disclosure statement, which was due on August 1, 2011, has not been filed. If your records indicate that you have filed this statement, please contact us immediately so that we can resolve any discrepancies.

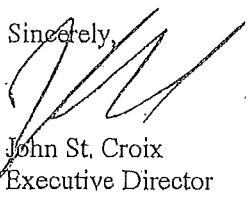
State and local law impose a late filing fee of \$10/day for paper campaign statements received after the filing deadline. This liability is limited to the cumulative amount reported by the late statement or \$100, whichever is greater.

Please file your past-due campaign statement immediately. If you fail to file the statement within ten (10) calendar days of the date of this letter, the Ethics Commission will list the committee/candidate on our website as a non-responsive filer.

If the cumulative annual contributions received or independent expenditures made by your committee was \$5,000 or more during any calendar year since 2003, you should also have filed an electronic statement in addition to the paper statement. If you qualify for electronic filing and have not yet done so for the above-noted deadline, please also electronically file within 10 days of the date of this letter. The S.F. Campaign Finance Reform Ordinance imposes an additional fine of \$25/day for electronic filings received after the deadline. This liability is limited to the cumulative amount reported by the statement or \$250, whichever is greater.

If you have questions about your filing obligations, please contact the Commission at (415) 252-3100.

Sincerely,

  
John St. Croix  
Executive Director

cc: Committee/Candidate, if different address from Treasurer.

S:\CAMPAIGN\2011\8.1.2011\NSWN\Treasurer mail merge sent 8.11.2011.doc

EXHIBIT 4

1 JOHN ST. CROIX  
2 Executive Director  
3 SAN FRANCISCO ETHICS COMMISSION  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102  
6 415-252-3100

7 BEFORE THE SAN FRANCISCO  
8 ETHICS COMMISSION

9 In the Matter of:  
10 ETHICS COMPLAINT NO. 14-131112  
11

**NOTICE PURSUANT TO  
12 CALIFORNIA GOVERNMENT CODE,  
13 SECTION 11514**

14 The accompanying affidavit of John St. Croix will be introduced as evidence at the hearing in  
15 the matter of Ethics Complaint 14-131112, to be held on October 27, 2014. John St. Croix will  
16 not be called to testify orally and you will not be entitled to question him unless you notify John  
17 St. Croix, Executive Director of the San Francisco Ethics Commission, at 25 Van Ness Street,  
18 Suite 220, San Francisco, California, 94102, that you wish to cross-examine him. To be effective  
19 your request must be mailed or delivered to John St. Croix on or before September 15, 2014.  
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1 JOHN ST. CROIX  
2 Executive Director  
3 SAN FRANCISCO ETHICS COMMISSION  
4 25 Van Ness Avenue, Suite 220  
5 San Francisco, CA 94102  
6 415-252-3100

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BEFORE THE SAN FRANCISCO  
ETHICS COMMISSION

In the Matter of:  
ETHICS COMPLAINT NO. 14-131112

**DECLARATION OF  
AUTHENTICATION OF  
COMPLAINANT'S EXHIBIT**

I, John St. Croix, declare as follows:

1. I have personal knowledge of the contents of this declaration, and I could and would testify competently thereto if called upon to do so.

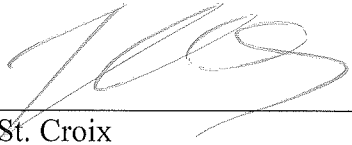
2. I am the Executive Director of the San Francisco Ethics Commission. I have been the Executive Director of the San Francisco Ethics Commission since 2004.

3. As Executive Director, I oversee all functions of the Ethics Commission at a departmental level including the enforcement program, the campaign finance program, and the oversight of enforcement and campaign finance staff. I am familiar with the filing requirements of campaign committees including the filing requirements of the Statement of Organization Recipient Committee Form 410, and the Recipient Committee Campaign Statement Form 460. A Form 410 discloses a campaign committee's contact information, how it is formed, its bank information, and the committee's treasurer and/or principal officer. A Form 460 discloses a campaign committee's contribution and expenditure activity. I am familiar with the paper and electronic filing of the Form 410 and Form 460. I am also familiar with the legal provisions of the San Francisco Campaign Finance Reform Ordinance.

1           4.       The document attached as Exhibit 5 is a true and correct copy of a letter dated August  
2 26, 2011, regarding the “Notice of Failure to File Campaign Statement” that I sent to the  
3 “Committee to Elect Norman for Supervisor 2010” on August 26, 2011.

4           I declare, under penalty of perjury under the laws of the State of California, that the  
5 foregoing is true and correct.

6  
7  
8 DATED: September 3, 2014

  
\_\_\_\_\_  
John St. Croix  
Executive Director  
San Francisco Ethics Commission





ETHICS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

COPY

BENEDICT Y. HUR  
CHAIRPERSON  
JAMIENNE S. STUDLEY  
VICE-CHAIRPERSON  
BEVERLY HAYON  
COMMISSIONER  
DOROTHY S. LIU  
COMMISSIONER  
CHARLES L. WARD  
COMMISSIONER  
JOHN ST. CROIX  
EXECUTIVE DIRECTOR

August 26, 2011

Jacqueline Norman

Committee to Elect Norman for Supervisor 2010, [ID#1327771]  
26 Hawkins Lane  
San Francisco, CA, 94124

RE: Second Notice of Failure to File Campaign Statement (Period Ending June 30, 2011)

Dear Treasurer/Candidate:

On August 11, 2011, the Ethics Commission sent you a notice that your campaign statement(s), which was/were due on August 1, 2011, had not been filed. Because ten (10) days have elapsed since our notice to you and our records indicate that you have still not filed, we have listed you on the Ethics Commission's website as a non-responsive filer. You will be removed from the on-line list if you file your past-due statement.

State and local law impose a late filing fine of \$10/day for paper campaign statements received after the filing deadline. This liability is limited to the cumulative amount reported by the late statement or \$100, whichever is greater. Local law also imposes an additional late fee of \$25/day for electronic campaign statements received after the filing deadline. This liability is limited to the cumulative amount reported by the statement or \$250, whichever is greater. Candidates and/or treasurers, as well as their committees, if applicable, are jointly and severally liable for fines.

Please file your past-due campaign statement(s) within ten (10) calendar days of the date of this letter. If you do not file within ten (10) days of the date of this letter, the Commission may commence an enforcement action against your committee. Once the Commission initiates an enforcement action, your committee may be liable for a penalty of up to \$5,000 per violation or three times the amount that should have been reported, in addition to the late filing fees. We would like to avoid this course of action if at all possible.

If you have questions about your filing obligations, please contact the Commission at (415) 252-3100.

Sincerely,

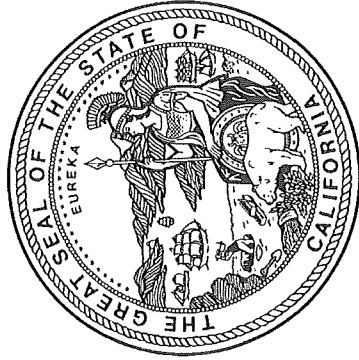
John St. Croix  
Executive Director

cc: Committee/Candidate, if different address from Treasurer.

S:\CAMPAIGN\2011\8.1.2011\NSWN2\NSWN2 treasurer merge sent 8.26.2011.doc

EXHIBIT 5

# Political Reform Act 2010



Fair Political Practices Commission

The Commissioners  
of the  
California Fair Political Practices Commission

**Commission Chairman Ross Johnson** was appointed chairman of the Fair Political Practices Commission in February of 2007. An attorney and former legislative leader, Johnson is a longtime proponent of political reform law and policy. He represented Orange County in the California State Legislature for 26 years before his appointment to the FPPC. He served in the California State Assembly from 1978 to 1995 and the California State Senate from 1995 to 2004, becoming the first person to serve as a party leader in both legislative chambers. Throughout his tenure as a legislator, Johnson authored and supported major political reform legislation and ballot measures, and was a strong advocate for campaign finance, election, and political reforms. He was principal author of Proposition 73, a reform measure passed by California voters in 1988. He also was a leading proponent of Proposition 34, a sweeping campaign reform and contribution limits measure that was approved by California voters in 2000. Johnson earned a Bachelor of Arts degree from California State University, Fullerton, and a Juris Doctorate degree from Western State University College of Law. He is a former ironworker and a U.S. Navy veteran. He and his wife, Diane, now live in the Sacramento area. They have two grown daughters and five grandchildren. A Republican, Johnson was appointed by Gov. Arnold Schwarzenegger. His term expires January 31, 2011.

**Commissioner Elizabeth Garrett** is the Frances R. and John J. Duggan Professor of Law, Political Science and Public Policy. She is also the co-Director of the USC-Caltech Center for the Study of Law and Politics. She serves on the Board of Directors of the Initiative and Referendum Institute at USC. She is the co-author of the leading casebook on legislation and statutory interpretation, *Cases and Materials on Legislation: Statutes and the Creation of Public Policy* (4th ed. Thomson/West 2007). She is the author of many articles and book chapters, analyzing campaign finance laws, courts and political parties, lobbying regulations, various congressional procedures, the initiative process, and the California recall. Before entering academics, she clerked for Justice Thurgood Marshall on the U.S. Supreme Court, Judge Stephen Williams on the federal court of appeals for the District of Columbia, and Judge Howard Holzmann of the Iran-U.S. Claim Tribunal in The Hague. From 1991-1994, she worked for Senator David L. Boren (D-Okla.), serving as tax and budget counsel, legal counsel and legislative director. She

graduated with special distinction from the University of Oklahoma with a B.A. in History, and she received her J.D. from the University of Virginia. She is a fellow of the American Law Institute and of the American Bar Foundation, a member of the editorial board of the *Election Law Journal*, and a member of the Pacific Council on International Policy. She was appointed by Secretary of State Debra Bowen and her appointment ends on January 31, 2013.

**Commissioner Timothy A. Hodson** is the executive director of the Center for California Studies, California State University, Sacramento. The mission of the Center is to strengthen democratic governance in California through preparing people for public service and leadership, helping to solve problems of public policy and multidisciplinary education. Hodson is a full professor in the Government Department and Graduate Program in Public Policy and Administration at Sacramento State. He has held both positions at the university since 1993. From 1987 to 1993, Hodson was staff director for the California Senate Elections and Reapportionment Committee. His responsibilities included analysis and development of election law legislation and providing principal staff support in developing the bipartisan legislative ethics reforms of 1990. Hodson was principal consultant for the California Senate Office of Research from 1983 to 1987, served as an associate consultant to the Senate Select Committees on Government Regulation and Political Reform from 1978 until 1982, and previously was an assistant professor in the Department of Political Science at Claremont McKenna College. Hodson earned his Ph.D. in Political Science and his Master's Degree in Political Science from the University of California, Santa Barbara. He received his Bachelor's degree in Political Science from California State University, Fullerton. A Democrat, Hodson was appointed by Gov. Arnold Schwarzenegger. His term expires January 31, 2011.

**Commissioner Lynn Montgomery** most recently served as Chief of Staff to Lieutenant Governor Cruz Bustamante and prior to that she was the Director of the California Assembly's Speakers Office of Member Services (SOMS) for Speakers Bustamante, Villanueva, Herzberg and Wesson. Before becoming SOMS Director, Montgomery served as the organization's Media Director for Speaker Brown. Montgomery served on the State Assembly

**The Commissioners  
of the  
California Fair Political Practices Commission  
(continued)**

Redistricting Project in 1991 and 2001, and began her career in the Assembly as a Legislative Consultant and Press Secretary in the Office of Assembly Speaker pro tempore Mike Roos. Montgomery has also held 1 positions as the Statewide Campaign Coordinator for the Assembly Democrats Campaign Committee for three election cycles and as the Campaign Manager for Cruz Bustamante for Governor and five Assembly candidates. She also intermittently served as a Consultant to the California Democratic Party Assembly Mail Program. Prior to her time in the Assembly, Montgomery learned the intricacies of the Political Reform Act by spending a decade at the FPPC in positions as the agency's Media Director and prior to that as a Political Reform Consultant. Attorney General Brown appointed Lynn Montgomery as a Commissioner to the Fair Political Practices Commission. Montgomery replaces former Commissioner Bob Leidigh who was appointed by Attorney General Lockyer to fill a partial term. Montgomery's appointment to the Commission ends on January 31, 2013.

**Commissioner Ronald D. Rotunda** is The Doy & Dee Henley Chair and Distinguished Professor of Jurisprudence, at Chapman University in Orange, CA, teaching Legal Ethics and Constitutional Law. He is a magna cum laude graduate of Harvard College and a magna cum laude graduate of Harvard Law School, where he was a member of Harvard Law Review. Prior to his position at Chapman, Rotunda was a University Professor and Professor of Law at George Mason University School of Law, joining George Mason in 2002. Before that, he was the Albert E. Jenner, Jr. Professor of Law, at the University of Illinois. He joined the University of Illinois faculty in 1974 after clerking for Judge Walter R. Mansfield of the United States Court of Appeals for the Second Circuit, practicing law in Washington, D.C., and serving as assistant majority counsel for the Watergate Committee.

Some of the highlights of Rotunda's career include serving as the Constitutional Law Adviser to the Supreme National Council of Cambodia and assisting that country in writing its first democratic constitution; chairing the subcommittee that drafted the American Bar Association's Model Rules for Lawyer Disciplinary Enforcement; and serving as a Special Counsel to the General Counsel of the Department of Defense. He has been a Visiting Senior Fellow in Constitutional Studies

at the Cato Institute, in Washington, D.C., and a Fulbright Research Scholar and later a Fulbright Professor. Rotunda has authored or co-authored several legal texts and hundreds of articles, including the most widely used course book on legal ethics and a leading course book on constitutional law. In 2002-2003 New Educational Quality Ranking of U.S. Law Schools ranked Rotunda as the eleventh most cited law faculty in the United States. His work has been referenced more than 1,000 times by state and federal courts at every level, from trial courts to the U.S. Supreme Court. Rotunda's appointment to the Commission by Controller Chiang ends on January 31, 2013.

**POLITICAL REFORM ACT — 2010**

*Introduction*

This 2010 version of the Political Reform Act (the "Act") is not an official publication of the Government Code. It has been produced for use by the public and staff of the Fair Political Practices Commission. The boldface title before each Government Code Section and the histories following some sections have been added for clarity and are not part of the Act.

Proposition 34, which was passed by the voters on November 7, 2000, added new campaign finance provisions and made some changes to the disclosure and enforcement provisions of the Act. Proposition 34 took effect on January 1, 2001, except that Section 83 of the measure deferred to November 6, 2002, applicability of portions of Chapter 5 (commencing with Section 85100) of Title 9, to candidates for statewide elective office. Uncodified Sections 83-86 of Proposition 34 appear in Appendix I.

Commission regulations implementing the Act are contained in the California Code of Regulations, Title 2, Division 6 (Sections 18110-18997). References to applicable regulations and opinions follow each statute. These references were accurate as of January 1, 2010, but changes may have occurred since then. Thus, the references are provided for convenience only and should not be relied upon. Opinion summaries appear in Appendix II. In addition, Commission opinions and advice letters are available on Westlaw, Lexis-Nexis, and FPPC's website.

If you need more detailed information or have questions about the Political Reform Act, please call the Fair Political Practices Commission at 1-866-275-3772. The Commission is located at 428 J Street, Ste. 620, Sacramento, CA 95814. Web site: <http://www.fppc.ca.gov>.

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**§ 81000. Title.**

This title shall be known and may be cited as the "Political Reform Act of 1974."

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18200

Chapter 1. General, § 81000 - 81016	
Definitions, § 82000 - 82055	
Fair Political Practices Commission, § 83100 - 83124	
Campaign Disclosure, § 84100 - 84511	
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**Chapter 1. General.  
§ 81000 - 81016**

Title	§ 81000.
Findings and Declarations.	§ 81001.
Purposes of Title.	§ 81002.
Construction of Title.	§ 81003.
Reports and Statements; Perjury; Verification.	§ 81004.
Reports and Statements; Amendments.	§ 81004.5.
Campaign Reports and Statements; Where to File. [Repealed]	§ 81005.
Lobbying Reports and Statements; Where to File. [Repealed]	§ 81005.1.
Statements of Economic Interests; Where to File. [Repealed]	§ 81005.2.
Filing Fees Prohibition.	§ 81006.
Mailing of Report or Statement.	§ 81007.
5. Faxing of Report or Statement.	§ 81007.5.
Public Records; Inspection; Reproduction; Time; Charges.	§ 81008.
Preservation of Reports and Statements.	§ 81009.
Local Ordinances.	§ 81009.5.
Duties of the Filing Officer.	§ 81010.
Valuation of Goods, Services and Facilities; Fair Market Value. [Repealed]	§ 81011.
Information on Statewide Petitions.	§ 81011.5.
Amendment or Repeal of Title.	§ 81012.
Imposition of Additional Requirements.	§ 81013.
Regulations.	§ 81014.
Severability.	§ 81015.
Effective Date.	§ 81016.

**§ 81002. Purposes of Title.**

The people enact this title to accomplish the following purposes:

- (a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

6

§ 81003.

(b) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

History: Amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18708

§ 81003. Construction of Title.

This title should be liberally construed to accomplish its purposes.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18708

§ 81004. Reports and Statements; Perjury; Verification.

(a) All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

History: Amended by Stats. 1983, Ch. 775.

§ 81007.5.

service. Mail which is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

History: Amended by Stats. 1976, Ch. 1106, amended by Stats. 1994, Ch. 638.

§ 81007.5. Filing of Report or Statement.

(a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section 87100) may be faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of the applicable deadline and provided that the total number of pages of each report or statement faxed is no more than 30 pages.

(b) A faxed report or statement shall not be deemed filed if the faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).

(c) A filing officer who receives a faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.

History: Added by Stats. 1994, Ch. 638, amended by Stats. 1997, Ch. 394.

§ 81008. Public Records; Inspection; Reproduction; Time; Charges.

(a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not to exceed ten cents (\$.010) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of

§ 81009.

reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election in the offices of the Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County, and Registrar of Voters of the City and County of San Francisco.

History: Amended by Stats. 1979, Ch. 331, amended by Stats. 1988, Ch. 1208, amended by Stats. 2004, Ch. 478, effective September 16, 2004.

§ 81009. Preservation of Reports and Statements.

(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the

§ 81009.5.

officer shall provide copies of such statements pursuant to Section 81008. History: Amended by Stats. 1976, Ch. 1196, amended by Stats. 1979, Ch. 531, amended by Stats. 1984, Ch. 390, effective July 11, 1984, amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 81009.5. Local Ordinances.

(a) Any local government agency which has enacted, enacted, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the Commission. (b) Notwithstanding Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidates, and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively. History: Added by Stats. 1979, Ch. 531, amended by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 542, amended by Stats. 1991, Ch. 674.

References at the time of publication (see page 3):

Opinions: In re Olson (2001) 15 FPFC Ops. 13

§ 81010. Duties of the Filing Officer.

With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission;
(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;
(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;
(d) Report apparent violations of this title to the appropriate agencies; and
(e) Compile and maintain a current list of all reports and statements filed with this office.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18110
2 Cal. Code of Regs. Section 18115
2 Cal. Code of Regs. Section 18117

§ 81013.

2 Cal. Code of Regs. Section 18363
2 Cal. Code of Regs. Section 18732.5
Opinions: In re Boudstain (1975) 1 FPFC Ops. 188
In re Lashari (1975) 1 FPFC Ops. 113

§ 81011. Valuation of Goods, Services and Facilities: Fair Market Value. [Repealed]

History: Repealed by Stats. 1985, Ch. 775.

§ 81011.5. Information on Statewide Petitions.

Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer. History: Added by Stats. 1977, Ch. 1095; (Identical to former Section 82303, repealed by Stats. 1977, Ch. 1095).

§ 81012. Amendment or Repeal of Title.

This title may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to passage in each house the bill in its final form has been delivered to the Commission for distribution to the news media and to every person who has requested the Commission to send copies of such bills to him or her.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

History: Amended by Stats. 1976, Ch. 883, effective September 13, 1976, amended by Stats. 1985, Ch. 1200.

§ 81013. Imposition of Additional Requirements.

Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18312
Opinions: In re Ahern (1977) 3 FPFC Ops. 77
In re Miller (1976) 2 FPFC Ops. 91

§ 81014.

§ 81014. Regulations.

Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18312

§ 81015. Severability.

If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

§ 81016. Effective Date.

Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

Chapter 2. Definitions.

§ 82000 - 82055

- § 82000. Interpretation of this Title.
§ 82001. Adjusting an Amount for Cost of Living Changes.
§ 82002. Administrative Action.
§ 82003. Agency.
§ 82004. Agency Official.
§ 82005. Business Entity.
§ 82006. Campaign Statement.
§ 82007. Candidate.
§ 82008. City.
§ 82009. Civil Service Employee.
§ 82009.5. Clerk.
§ 82010. Closing Date.
§ 82011. Code Reviewing Body.
§ 82012. Commission.
§ 82013. Committee.
§ 82014. Conflict of Interest Code.
§ 82015. Contribution.
§ 82016. Controlled Committee.
§ 82017. County.
§ 82018. Cumulative Amount.

§ 81016.

- § 82019. Designated Employee.
§ 82020. Elected Officer.
§ 82021. Elected State Officer.
§ 82022. Election.
§ 82023. Elective Office.
§ 82024. Elective State Office.
§ 82025. Expenditure.
§ 82025.5. Fair Market Value.
§ 82026. Filer.
§ 82027. Filing Officer.
§ 82027.5. General Purpose Committee.
§ 82028. Gift.
§ 82029. Immediate Family.
§ 82030. Income.
§ 82030.5. Income; Earned.
§ 82031. Independent Expenditure.
§ 82031.5. Independent Expenditure. [Repealed]
§ 82032. Influencing Legislative or Administrative Action.
§ 82033. Interest in Real Property.
§ 82034. Investment.
§ 82035. Jurisdiction.
§ 82035.5. LAFCO Proposal.
§ 82036. Late Contribution.
§ 82036.5. Late Independent Expenditure.
§ 82037. Legislative Action.
§ 82038. Legislative Official.
§ 82038.5. Lobbying Firm.
§ 82039. Lobbyist.
§ 82039.5. Lobbyist Employer.
§ 82040. Lobbyist's Account. [Repealed]
§ 82041. Local Government Agency.
§ 82041.5. Mass Mailing.
§ 82042. Mayor.
§ 82043. Measure.
§ 82044. Payment.
§ 82045. Payment to Influence Legislative or Administrative Action.
§ 82046. Period Covered.
§ 82047. Person.
§ 82047.5. Primarily Formed Committee.
§ 82047.6. Proponent of a State Ballot Measure.
§ 82048. Public Official.
§ 82048.3. State Mailer.
§ 82048.4. Slate Mailer Organization.
§ 82048.5. Special District.
§ 82048.7. Sponsored Committee.
§ 82049. State Agency.
§ 82050. State Candidate.
§ 82051. State Measure.
§ 82052. Statewide Candidate.
§ 82052.5. Statewide Election.
§ 82053. Statewide Elective Office.
§ 82054. Statewide Petition.
§ 82055. Voting Age Population. [Repealed]

§ 82000.

§ 82000. Interpretation of this Title.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

§ 82001. Adjusting an Amount for Cost of Living Changes.

"Adjusting an amount for cost-of-living changes" means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance corresponding to amounts authorized from the salary and price increase items as set forth in the Budget Act and other cost-of-living adjustments on the same basis as those applied routinely to other state agencies. History: Amended by Stats. 1978, Ch. 199, effective June 6, 1978.

§ 82002. Administrative Action.

(a) "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(b) "Retaking proceeding" means, for the purposes of a proceeding before the Public Utilities Commission, any proceeding in which it is reasonably foreseeable that a rate will be established, including, but not limited to, general rate cases, performance-based ratemaking, and other ratemaking mechanisms.

(c) "Quasi-legislative proceeding" means, for purposes of a proceeding before the Public Utilities Commission, any proceeding that involves consideration of the establishment of a policy that will apply generally to a group or class of persons including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry.

History: Amended by Stats. 1991, Ch. 491, amended by Stats. 2001, Ch. 921.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18202.
Opinions: In re Evans (1978), 4 FPCC Ops. 84; In re Leonard (1976), 2 FPCC Ops. 54; In re Rubin (1976), 2 FPCC Ops. 1; In re Gansman (1975), 1 FPCC Ops. 46.

§ 82003. Agency.

"Agency" means any state agency or local government agency.

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§ 82004. Agency Official.

"Agency official" means any member, officer, employee or consultant of any state agency who as part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18249.
Opinions: In re Morrison (1976), 2 FPCC Ops. 120; In re Morrison (1976), 2 FPCC Ops. 84; In re Wallace (1975), 1 FPCC Ops. 118.

§ 82005. Business Entity.

"Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

§ 82006. Campaign Statement.

"Campaign statement" means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

References at the time of publication (see page 3):

- Opinions: In re Layton (1975), 1 FPCC Ops. 113.

§ 82007. Candidate.

"Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Section 84214. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

History: Amended by Stats. 1989, Ch. 289.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18404; 2 Cal. Code of Regs. Section 18531.5.
Opinions: In re Johnson (1989), 12 FPCC Ops. 1; In re Lai (1987), 10 FPCC Ops. 10.

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In re Journal, Staff Meyers, Republican Central Committee of Orange County, Tutor (1976), 2 FPCC Ops. 110.

§ 82008. City.

"City" means a general law or a chartered city.

§ 82009. Civil Service Employee.

"Civil service employee" means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

§ 82009.5. Clerk.

"Clerk" refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

§ 82010. Closing Date.

"Closing date" means the date through which any report or statement filed under this title is required to be complete.

§ 82011. Code Reviewing Body.

"Code reviewing body" means all of the following:

(a) The commission, with respect to the conflict-of-interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.

(b) The board of supervisors, with respect to the conflict-of-interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county.

(c) The city council, with respect to the conflict-of-interest code of any city agency other than the city council.

(d) The Attorney General, with respect to the conflict-of-interest code of the commission.

(e) The Chief Justice or his or her designee, with respect to the conflict-of-interest code of the members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.

(f) The Board of Governors of the State Bar of California with respect to the conflict-of-interest code of the State Bar of California.

(g) The Chief Justice of California, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, with respect to the conflict-of-interest code of any agency of the judicial branch of

§ 82015.

government subject to the immediate administrative supervision of that court.

(h) The Judicial Council of California, with respect to the conflict-of-interest code of any state agency within the judicial branch of government not included under subdivisions (e), (f), and (g).

History: Amended by Stats. 1980, Ch. 779, amended by Stats. 1984, Ch. 727, operative July 1, 1985; amended by Stats. 1985, Ch. 775; amended by Stats. 1995, Ch. 387.

§ 82012. Commission.

"Commission" means the Fair Political Practices Commission.

§ 82013. Committee.

"Committee" means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year, or

(c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

History: Amended by Stats. 1977, Ch. 1213; amended by Stats. 1980, Ch. 259; amended by Stats. 1984, Ch. 670; amended by Stats. 1987, Ch. 652.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18413; 2 Cal. Code of Regs. Section 18420.1; 2 Cal. Code of Regs. Section 18521.5.

Opinions:

- In re Bohness (1989), 12 FPCC Ops. 1; In re Walsh (1978), 4 FPCC Ops. 78; In re Kahn (1976), 2 FPCC Ops. 131; In re Lumsden (1976), 2 FPCC Ops. 140; In re Cannon (1976), 2 FPCC Ops. 133; In re Manning (1976), 2 FPCC Ops. 38; In re Fontana (1976), 2 FPCC Ops. 23; In re Christensen (1975), 1 FPCC Ops. 170; In re Augustine (1975), 1 FPCC Ops. 69.

§ 82014. Conflict of Interest Code.

"Conflict of Interest Code" means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

§ 82015. Contribution.

(a) "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third

party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

(b) (1) A payment made at the best of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.

(2) A payment made at the best of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:

(A) Full and adequate consideration is received from the candidate.

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:

- (i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.
- (ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- (iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the best of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the same source in the same calendar year in which they

are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to subdivision (e) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

(c) "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

(d) "Contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

(e) "Contribution" does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.

(f) "Contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(g) Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

(h) "Contribution" further includes the payment of public moneys by a state or local governmental agency for a communication to the public that satisfies both of the following:

- (1) The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election.
- (2) The communication is made at the best of the affected candidate or committee.

History: Amended by Stats. 1980, Ch. 289, amended by Stats. 1997, Ch. 450, effective September 24, 1997, amended by Stats. 2008, Ch. 418, amended by Stats. 2009, Ch. 363.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18213
- 2 Cal. Code of Regs. Section 18216
- 2 Cal. Code of Regs. Section 18216.1
- 2 Cal. Code of Regs. Section 18225.7
- 2 Cal. Code of Regs. Section 18420.1
- 2 Cal. Code of Regs. Section 18421.1
- 2 Cal. Code of Regs. Section 18423
- 2 Cal. Code of Regs. Section 18428
- 2 Cal. Code of Regs. Section 18530.3
- 2 Cal. Code of Regs. Section 18531.7
- 2 Cal. Code of Regs. Section 18540
- 2 Cal. Code of Regs. Section 18572
- 2 Cal. Code of Regs. Section 18950
- 2 Cal. Code of Regs. Section 18950.4

- Opinions: In re Montoya (1989) 12 FPFC Ops. 7
- In re Johnson (1989) 12 FPFC Ops. 1
- In re Bell (1988) 11 FPFC Ops. 1
- In re Nielsen (1979) 3 FPFC Ops. 18
- In re Bushman (1979) 3 FPFC Ops. 14
- In re Reinhardt (1977) 3 FPFC Ops. 83
- In re Cannon (1976) 2 FPFC Ops. 133
- In re Willmuth (1976) 2 FPFC Ops. 130
- In re Adams (1976) 2 FPFC Ops. 127
- In re Minton (1976) 2 FPFC Ops. 70
- In re McLean (1976) 2 FPFC Ops. 42
- In re Bussan (1976) 2 FPFC Ops. 17
- In re Hayes (1975) 1 FPFC Ops. 210
- In re Christiansen (1975) 1 FPFC Ops. 170
- In re Cox (1975) 1 FPFC Ops. 137

§ 82016. Controlled Committee.

(a) "Controlled committee" means a committee that is controlled directly or indirectly by a candidate or state measure proponent or that acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of



expenditures. A candidate or state measure proponent controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

(b) Nonwithstanding subdivision (a), a political party committee, as defined in Section 82025, is not a controlled committee.

History: Amended by Stats. 1983, Ch. 898, amended by Stats. 2000, Ch. 102, Proposition 34 of the November Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18217
- 2 Cal. Code of Regs. Section 18405
- 2 Cal. Code of Regs. Section 18321
- 2 Cal. Code of Regs. Section 18521.5

§ 82017. County.

"County" includes a city and county.

§ 82018. Cumulative Amount.

(a) Except as provided in subdivisions (b), (c), and (d), "cumulative amount" means the amount of contributions received or expenditures made in the calendar year.

(b) For a filer required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated shall end on the closing date of the first semiannual statement filed after the election.

(c) For a filer required to file a campaign statement in connection with the qualification of a measure which extends into two calendar years, the period over which the cumulative amount is calculated shall end on December 31 of the second calendar year.

(d) For a person filing a campaign statement with a period modified by the provisions of this section, the next period over which the cumulative amount is calculated shall begin on the day after the closing date of the statement.

History: Amended by Stats. 1976, Ch. 1106, repealed and reenacted by Stats. 1980, Ch. 289, amended by Stats. 1985, Ch. 1456, amended by Stats. 1992, Ch. 465, amended by Stats. 1993, Ch. 769.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.4

§ 82019. Designated Employee.

(a) "Designated employee" means any officer, employee, member, or consultant of any agency whose position with the agency:

(1) Is exempt from the state civil service system by virtue of subdivision (a), (c), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution, unless

the position is elective or solely secretarial, clerical, or manual.

(2) Is elective, other than an elective state office.

(3) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

(4) Is involved as a state employee at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed pursuant to Section 10122 of the Public Contract Code.

(b)(1) "Designated employee" does not include an elected state officer, any unsalaried member of any board or commission which serves a solely advisory function, any public official specified in Section 87200, and also does not include any unsalaried member of a nonregulatory committee, section, commission, or other such entity of the State Bar of California.

(2) "Designated employee" does not include a federal officer or employee serving in an official federal capacity on a state or local government agency. The state or local government agency shall annually obtain, and maintain in its files for public inspection, a copy of any public financial disclosure report filed by the federal officer or employee pursuant to federal law.

History: Amended by Stats. 1979, Ch. 674, amended by Stats. 1983, Ch. 1108, amended by Stats. 1984, Ch. 727, operative July 1, 1985, amended by Stats. 1985, Ch. 611, amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18319
- 2 Cal. Code of Regs. Section 18781

§ 82020. Elected Officer.

"Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

§ 82021. Elected State Officer.

"Elected state officer" means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

§ 82022. Election.

"Election" means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

§ 82023. Elective Office.

"Elective office" means any state, regional, county, municipal, district or judicial office which is filled at an election. "Elective office" also includes membership on a county central committee of a qualified political party, and members elected to the Board of Administration of the Public Employees' Retirement System.

History: Amended by Stats. 1998, Ch. 353.

§ 82024. Elective State Office.

"Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees' Retirement System, and member of the State Board of Equalization.

History: Amended by Stats. 1991, Ch. 674, amended by Stats. 1998, Ch. 923.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18723

§ 82025. Expenditure.

"Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is not clear from the surrounding circumstances that it is not made for political purposes. "Expenditure" does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

History: Amended by Stats. 1997, Ch. 394.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18225
- 2 Cal. Code of Regs. Section 18235.4
- 2 Cal. Code of Regs. Section 18235.7
- 2 Cal. Code of Regs. Section 18421.1
- 2 Cal. Code of Regs. Section 18421.6
- 2 Cal. Code of Regs. Section 18423
- 2 Cal. Code of Regs. Section 18430.11
- 2 Cal. Code of Regs. Section 18530.3
- 2 Cal. Code of Regs. Section 18531.7

Opinions:

- In re Liu (1987) 10 FPPC Ops. 10
- In re Buchanan (1979) 5 FPPC Ops. 14
- In re Walsh (1978) 4 FPPC Ops. 78
- In re Cannon (1976) 2 FPPC Ops. 133
- In re Juvinall, Stull, Meyers, Republican Central Committee of Orange County, Treasurer (1976) 2 FPPC Ops. 110
- In re Sobieski (1976) 2 FPPC Ops. 73
- In re Hayes (1975) 1 FPPC Ops. 210
- In re Christensen (1975) 1 FPPC Ops. 170
- In re Kelly, Misani (1975) 1 FPPC Ops. 162

§ 82025.5. Fair Market Value.

"Fair market value" means the estimated fair market value of goods, services, facilities or anything of value other than money. Whenever the amount of goods, services, facilities, or anything of value other than money is required to be reported under this title, the amount reported shall be the fair market value, and a description of the goods, services, facilities, or other thing of value shall be appended to the report or statement. "Full and adequate consideration" as used in this title means fair market value.

History: Added by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

- Opinions: In re Hopkins (1977) 3 FPPC Ops. 107
- In re Stone (1977) 3 FPPC Ops. 52
- In re Thomas (1977) 3 FPPC Ops. 30
- In re Gray (1975) 1 FPPC Ops. 153

§ 82026. Filer.

"Filer" means the person filing or required to file any statement or report under this title.

§ 82027. Filing Officer.

"Filing officer" means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer and the copy filed with him shall be signed in the original and shall be deemed the original copy.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18227

§ 82027.5. General Purpose Committee.

(a) "General purpose committee" means all committees pursuant to subdivision (b) or (c) of Section 82013, and any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5.

(b) A "state general purpose committee" is a political party committee, as defined in Section 85205, or a committee to support or oppose candidates or

measures voted on in a state election, or in more than one county.

(c) A "county general purpose committee" is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

(d) A "city general purpose committee" is a committee to support or oppose candidates or measures voted on in only one city.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 2004, Ch. 623, effective September 21, 2004.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18247.5
2 Cal. Code of Regs. Section 18247.6
2 Cal. Code of Regs. Section 18247.7
2 Cal. Code of Regs. Section 18247.8
2 Cal. Code of Regs. Section 18247.9

§ 82028. Gift.

(a) "Gift" means, except as provided in subdivision (b), any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(b) The term "gift" does not include:

- (1) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."
(2) Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.
(3) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

(4) Campaign contributions required to be reported under Chapter 4 of this title.
(5) Any devise or inheritance.
(6) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (§250).

History: Amended by Stats. 1978, Ch. 641, amended by Stats. 1986, Ch. 654, amended by Stats. 1997, Ch. 450, effective September 24, 1997.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18229.2
2 Cal. Code of Regs. Section 18229.3
2 Cal. Code of Regs. Section 18229.4
2 Cal. Code of Regs. Section 18229.5
2 Cal. Code of Regs. Section 18229.6
2 Cal. Code of Regs. Section 18229.7
2 Cal. Code of Regs. Section 18229.8
2 Cal. Code of Regs. Section 18229.9
2 Cal. Code of Regs. Section 18229.10
2 Cal. Code of Regs. Section 18229.11
2 Cal. Code of Regs. Section 18229.12
2 Cal. Code of Regs. Section 18229.13
2 Cal. Code of Regs. Section 18229.14
2 Cal. Code of Regs. Section 18229.15
2 Cal. Code of Regs. Section 18229.16
2 Cal. Code of Regs. Section 18229.17
2 Cal. Code of Regs. Section 18229.18
2 Cal. Code of Regs. Section 18229.19
2 Cal. Code of Regs. Section 18229.20
2 Cal. Code of Regs. Section 18229.21
2 Cal. Code of Regs. Section 18229.22
2 Cal. Code of Regs. Section 18229.23
2 Cal. Code of Regs. Section 18229.24
2 Cal. Code of Regs. Section 18229.25
2 Cal. Code of Regs. Section 18229.26
2 Cal. Code of Regs. Section 18229.27
2 Cal. Code of Regs. Section 18229.28
2 Cal. Code of Regs. Section 18229.29
2 Cal. Code of Regs. Section 18229.30
2 Cal. Code of Regs. Section 18229.31
2 Cal. Code of Regs. Section 18229.32
2 Cal. Code of Regs. Section 18229.33
2 Cal. Code of Regs. Section 18229.34
2 Cal. Code of Regs. Section 18229.35
2 Cal. Code of Regs. Section 18229.36
2 Cal. Code of Regs. Section 18229.37
2 Cal. Code of Regs. Section 18229.38
2 Cal. Code of Regs. Section 18229.39
2 Cal. Code of Regs. Section 18229.40
2 Cal. Code of Regs. Section 18229.41
2 Cal. Code of Regs. Section 18229.42
2 Cal. Code of Regs. Section 18229.43
2 Cal. Code of Regs. Section 18229.44
2 Cal. Code of Regs. Section 18229.45
2 Cal. Code of Regs. Section 18229.46
2 Cal. Code of Regs. Section 18229.47
2 Cal. Code of Regs. Section 18229.48
2 Cal. Code of Regs. Section 18229.49
2 Cal. Code of Regs. Section 18229.50

Opinions: In re Roberts (2004) 17 FPPC Ops. 9

- In re Hopkins (1977) 3 FPPC Ops. 107
In re Sims (1977) 3 FPPC Ops. 52
In re Gutierrez (1977) 3 FPPC Ops. 44
In re Thomas (1977) 3 FPPC Ops. 30
In re Smith (1977) 3 FPPC Ops. 1
In re Jones (1976) 2 FPPC Ops. 31
In re Brown (1975) 1 FPPC Ops. 677
In re Smith (1975) 1 FPPC Ops. 210
In re Smith (1975) 1 FPPC Ops. 191
In re Cox (1975) 1 FPPC Ops. 137
In re Cox (1975) 2 FPPC Ops. 137
In re Cox (1976) 2 FPPC Ops. 48
In re Spethman (1975) 1 FPPC Ops. 16
In re Amundt (1975) 1 FPPC Ops. 97

§ 82029. Immediate Family.

"Immediate family" means the spouse and dependent children.

History: Amended by Stats. 1980, Ch. 1060.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18234
Opinions: In re Roberts (2004) 17 FPPC Ops. 9

§ 82030. Income.

(a) "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual

or spouse owns, directly, indirectly, or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, nor planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) "Income" also does not include:

- (1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).
(2) Salary and reimbursement for expenses or per diem, and social security, disability, or other similar benefit payments received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
(3) Any devise or inheritance.
(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union, or any insurance, policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.
(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the United States government, except proceeds from the sale of these securities and commodities futures.
(6) Redemption of a mutual fund.
(7) Alimony or child support payments.
(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status.
(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.
(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status.

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(g).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

History: Amended by Stats. 1976, Ch. 1161, amended by Stats. 1977, Ch. 230, effective July 7, 1977, amended by Stats. 1978, Ch. 944, effective August 7, 1978, amended by Stats. 1978, Ch. 641, effective September 21, 1978, amended by Stats. 1987, Ch. 183, amended by Stats. 1984, Ch. 931, amended by Stats. 1987, Ch. 936, amended by Stats. 1997, Ch. 453, effective September 24, 1997, amended by Stats. 2002, Ch. 172, amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18230
2 Cal. Code of Regs. Section 18232
2 Cal. Code of Regs. Section 18235
2 Cal. Code of Regs. Section 18275
2 Cal. Code of Regs. Section 18278.5
2 Cal. Code of Regs. Section 18285
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18944.2
2 Cal. Code of Regs. Section 18946.5
2 Cal. Code of Regs. Section 18950.5
Opinions: In re Roberts (2004) 17 FPPC Ops. 9
In re Elmore (1978) 4 FPPC Ops. 8
In re Chaney (1977) 3 FPPC Ops. 99
In re Moore (1977) 3 FPPC Ops. 33
In re Hughes (1975) 1 FPPC Ops. 210
In re Hanson (1975) 1 FPPC Ops. 67

§ 82030.5. Income: Earned.

(a) For purposes of this title, "earned income" means, except as provided in subdivision (b), income from wages, salaries, professional fees, and other amounts received or promised to be received as compensation for personal services rendered.

(b) Income which is not "earned income" includes, but is not limited to, the following:

- (1) Any income derived from stocks, bonds, property, or other investments, or from retail or wholesale sales.
(2) Any amount paid by, or on behalf of, an elected state officer to a tax-qualified pension, profit sharing, or stock bonus plan and received by the elected state officer from the plan.
(3) The community property interest in the income of a spouse.

History: Added by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229

2 Cal. Code of Regs. Section 18932  
History: Added by Stats. 1979, Ch. 779, § 17, FPPC Ops. 9

**§ 82031. Independent Expenditure.**  
"Independent expenditure" means an expenditure made by any person, including a payment of public moneys by a state or local government agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.  
History: Formerly titled "Independent Committee." Renamed by Stats. 1979, Ch. 779, Added by Stats. 1980, Ch. 280, (Formerly Section 82031.5). Amended by Stats. 2009, Ch. 363.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18225.7  
2 Cal. Code of Regs. Section 18201.1  
2 Cal. Code of Regs. Section 18303.3

**§ 82031.5. Independent Expenditure. [Repealed]**  
History: Added by Stats. 1979, Ch. 779, repealed by Stats. 1984, Ch. 289. (Renamed as amended and renumbered Section 82031.)

**§ 82032. Influencing Legislative or Administrative Action.**  
"Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses.  
References at the time of publication (see page 3):  
Opinions: In re Evans (1978) 4 FPPC Ops. 54  
In re Loomis (1976) 2 FPPC Ops. 54  
In re Nida (1976) 3 FPPC Ops. 1

**§ 82033. Interest in Real Property.**  
"Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater.

History: Amended by Stats. 1978, Ch. 607, amended by Stats. 1980, Ch. 1000, amended by Stats. 1984, Ch. 931, amended by Stats. 2000, Ch. 130.

Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18233  
2 Cal. Code of Regs. Section 18335  
2 Cal. Code of Regs. Section 18702.3  
2 Cal. Code of Regs. Section 18729

Opinions: In re Overstreet (1981) 6 FPPC Ops. 12

**§ 82034. Investment.**  
"Investment" means any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. An asset shall not be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the commission.

History: Amended by Stats. 1978, Ch. 607, amended by Stats. 1980, Ch. 1000, amended by Stats. 1984, Ch. 931, amended by Stats. 2000, Ch. 130, amended by Stats. 2007, Ch. 348.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18230  
2 Cal. Code of Regs. Section 18234  
2 Cal. Code of Regs. Section 18235

Opinions: In re Nard (1983) 8 FPPC Ops. 6  
In re Bink (1979) 5 FPPC Ops. 10  
In re Elmore (1978) 4 FPPC Ops. 8

**§ 82035. Jurisdiction.**  
"Jurisdiction" means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. Real property shall be deemed to be "within the jurisdiction" with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

History: Amended by Stats. 1975, Ch. 499, effective September 5, 1975, amended by Stats. 1993, Ch. 769.

**§ 82035.5. LAFCO Proposal.**  
"LAFCO proposal" means a proposal, as defined in Section 56069, including a proceeding, as defined by Section 56067.

History: Added by Stats. 2008, Ch. 193, amended by Stats. 2009, Ch. 113.

**§ 82036. Late Contribution.**  
"Late contribution" means any of the following:  
(a) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election.  
(b) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a political party committee, as defined in Section 82205, before the date of any state election, but after the closing date of the last campaign statement required to be filed before the election.

History: Amended by Stats. 1977, Ch. 344, effective August 20, 1977, repealed and recast as amended by Stats. 1980, Ch. 289, amended by Stats. 2004, Ch. 623, effective September 21, 2004, amended by Stats. 2005, Ch. 22.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18116  
2 Cal. Code of Regs. Section 18425

required to be filed prior to the election by a candidate or committee participating in such election.  
History: Added by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18116

**§ 82037. Legislative Action.**  
"Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. "Legislative action" also means the action of a Governor in approving or vetoing any bill.  
References at the time of publication (see page 3):  
Opinions: In re Cohen (1975) 1 FPPC Ops. 10

**§ 82038. Legislative Official.**  
"Legislative official" means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

References at the time of publication (see page 3):  
Opinions: In re Manning (1976) 2 FPPC Ops. 120

**§ 82038.5. Lobbying Firm.**  
(a) "Lobbying firm" means any business entity, including an individual contract lobbyist, which meets either of the following criteria:  
(1) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity is a lobbyist.  
(2) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action on behalf of any other person, if a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing legislative or administrative action.

(b) No business entity is a lobbying firm by reason of activities described in Section 86530.  
History: Added by Stats. 1980, Ch. 1193, effective September 29, 1985, amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18338.5  
2 Cal. Code of Regs. Section 18614

§ 82039. **Lobbyist.**  
 (a) "Lobbyist" means any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action. An individual is not a lobbyist by reason of activities described in Section 86300.  
 (b) For the purposes of subdivision (a), a proceeding before the Public Utilities Commission constitutes "administrative action" if it meets any of the definitions set forth in subdivision (b) or (c) of Section 82002. However, a communication made for the purpose of influencing this type of Public Utilities Commission proceeding is not within subdivision (a) if the communication is made at a public hearing, public workshop or other public forum that is part of the proceeding, or if the communication is included in the official record of the proceeding.

History: Amended by Stats. 1975, Ch. 913, effective September 20, 1975; operative January 7, 1975; amended by Stats. 1984, Ch. 161, amended by Proposition 208 of the November 1996 Statewide General Election; amended by Stats. 2001, Ch. 921.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18239  
 2 Cal. Code of Regs. Section 18239  
 Opinions: In re Evans (1978), 4 FPFC Ops. 54  
 In re Morrissey (1976), 2 FPFC Ops. 84  
 In re Lewis (1976), 2 FPFC Ops. 54  
 In re Zenz (1975), 1 FPFC Ops. 195  
 In re Harde (1975), 1 FPFC Ops. 140  
 In re Siam (1975), 1 FPFC Ops. 59  
 In re McGilchry (1975), 1 FPFC Ops. 50  
 In re Carson (1975), 1 FPFC Ops. 46  
 In re California Labor Federation (1975), 1 FPFC Ops. 28  
 In re Cohen (1975), 1 FPFC Ops. 10

§ 82039.5. **Lobbyist Employer.**  
 "Lobbyist employer" means any person, other than a lobbying firm, who:  
 (a) Employs one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action, or  
 (b) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action.  
 History: Added by Stats. 1985, Ch. 1183, Effective September 29, 1985.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18239.5  
 2 Cal. Code of Regs. Section 18614

§ 82040. **Lobbyist's Account. [Repeated]**  
 History: Repealed by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 82041. **Local Government Agency.**  
 "Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing.  
 History: Amended by Stats. 1984, Ch. 727, effective July 1, 1985.

References at the time of publication (see page 3):  
 Opinions: In re Roiman (1987), 10 FPFC Ops. 1  
 In re Lenth (1978), 4 FPFC Ops. 48  
 In re Shigel (1977), 3 FPFC Ops. 62  
 In re Wih (1975), 1 FPFC Ops. 1

§ 82041.5. **Mass Mailing.**  
 "Mass mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.  
 History: Amended by Proposition 73 on the June 1988 statewide primary ballot, effective June 8, 1988; amended by Stats. 1988, Ch. 1027.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18435  
 2 Cal. Code of Regs. Section 18901  
 2 Cal. Code of Regs. Section 18901.1  
 Opinions: In re Walsh (1978), 4 FPFC Ops. 78  
 In re Juvenal, Still, Moxness, Republican Central Committee of Orange County, Turist (1976), 2 FPFC Ops. 110  
 In re Sobieski (1976), 2 FPFC Ops. 73  
 In re Valdez (1976), 2 FPFC Ops. 21

§ 82042. **Mayor.**  
 "Mayor" of a city includes mayor of a city and county.

§ 82043. **Measure.**  
 "Measure" means any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18531.5

Opinions: In re Fontana (1976), 2 FPFC Ops. 25

§ 82044. **Payment.**  
 "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18944.2  
 In re Johnson (1989), 12 FPFC Ops. 1  
 In re Gutierrez (1977), 3 FPFC Ops. 44  
 In re McCormick (1976), 2 FPFC Ops. 42  
 In re Burcage (1976), 2 FPFC Ops. 17  
 In re Cox (1975), 1 FPFC Ops. 137

§ 82045. **Payment to Influence Legislative or Administrative Action.**  
 "Payment to influence legislative or administrative action" means any of the following types of payment:  
 (a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;  
 (b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;  
 (c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;  
 (d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;  
 (e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18229  
 Opinions: In re Kozall (1978), 4 FPFC Ops. 95  
 In re Bile (1977), 2 FPFC Ops. 84  
 In re Naylor (1976), 2 FPFC Ops. 65  
 In re Leonard (1976), 2 FPFC Ops. 54  
 In re Gillias (1975), 1 FPFC Ops. 165  
 In re Morrissey (1975), 1 FPFC Ops. 130

§ 82046. **Period Covered.**

(a) "Period covered" by a statement or report required to be filed by this title, other than a campaign statement, means, unless a different period is

specified, the period beginning with the day after the closing date of the most recent statement or report which was required to be filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day on which the first reportable transaction occurred. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

(b) "Period covered" by a campaign statement required to be filed by this title means, unless a different period is specified, the period beginning the day after the closing date of the most recent campaign statement which was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.  
 History: Amended by Stats. 1976, Ch. 1106, amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18420.5  
 Opinions: In re Walsh (1978), 4 FPFC Ops. 78  
 In re Juvenal, Still, Moxness, Republican Central Committee of Orange County, Turist (1976), 2 FPFC Ops. 110  
 In re Sobieski (1976), 2 FPFC Ops. 73  
 In re Valdez (1976), 2 FPFC Ops. 21

§ 82047. **Person.**

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.  
 History: Amended by Stats. 1994, Ch. 1010.

References at the time of publication (see page 3):  
 Opinions: In re Lumsden (1976), 2 FPFC Ops. 140  
 In re Wih (1975), 1 FPFC Ops. 1

§ 82047.5. **Primarily Formed Committee.**

"Primarily formed committee" means a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following:

- (a) A single candidate.
  - (b) A single measure.
  - (c) A group of specific candidates being voted upon in the same city, county, or multicounty election.
  - (d) Two or more measures being voted upon in the same city, county, multicounty, or state election.
- History: Added by Stats. 1985, Ch. 1456, amended by Stats. 1990, Ch. 626, amended by Stats. 1991, Ch. 191, amended by Stats. 1995, Ch. 295.

§ 82047.6.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18247.5  
2 Cal. Code of Regs. Section 18421.8  
2 Cal. Code of Regs. Section 18521.5

§ 82047.6. Proponent of a State Ballot Measure.

"Proponent of a state ballot measure" means "proponent" as defined in Section 9002 of the Elections Code.  
History: Added by Stats. 1988, Ch. 704, amended by Stats. 1994, Ch. 923.

§ 82048. Public Official.

(a) "Public official" means every member, officer, employee or consultant of a state or local government agency.  
(b) Notwithstanding subdivision (a), "public official" does not include the following:  
(1) A judge or court commissioner in the judicial branch of government.  
(2) A member of the Board of Governors and designated employees of the State Bar of California.  
(3) A member of the Judicial Council.  
(4) A member of the Commission on Judicial Performance, provided that he or she is subject to the provisions of Article 2.5 (commencing with Section 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in Section 6038 of that article.

(5) A federal officer or employee serving in an official federal capacity on a state or local government agency.  
History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985, amended by Stats. 2004, Ch. 484.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18701

Opinions:  
In re Steinman (1987) 10 PPPC Ops. 1  
In re Milliana (1977) 3 PPPC Ops. 69  
In re Siggei (1977) 3 PPPC Ops. 62

§ 82048.3. Slate Mailer.

"Slate mailer" means a mass mailing which supports or opposes a total of four or more candidates or ballot measures.  
History: Added by Stats. 1987, Ch. 905.

§ 82048.4. Slate Mailer Organization.

(a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:  
(1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.

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(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.  
(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:  
(1) A candidate or officeholder or a candidate's or officeholder's controlled committee.  
(2) An official committee of any political party.  
(3) A legislative caucus committee.

(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.  
(c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of Section 82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.  
History: Added by Stats. 1987, Ch. 905, renumbered by Stats. 1988, Ch. 106.

§ 82048.5. Special District.

"Special district" means any agency of the state established for the local performance of governmental or proprietary functions within limited boundaries.  
"Special district" includes a county service area, a maintenance district or area, an improvement district or zone, an air pollution control district, or a redevelopment agency.  
"Special district" shall not include a city, county, city and county, or school district.  
History: Added by Stats. 1994, Ch. 36.

§ 82048.7. Sponsored Committee.

(a) "Sponsored committee" means a committee, other than a candidate controlled committee, which has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.  
(b) A person sponsors a committee if any of the following apply:  
(1) The committee receives 80 percent or more of its contributions from the person or its members, officers, employees, or shareholders.  
(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.  
(3) The person, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.

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(4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.  
History: Added by Stats. 1985, Ch. 498, amended by Stats. 1988, Ch. 1155, amended by Stats. 1991, Ch. 130, amended by Stats. 2005, Ch. 260.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18419  
2 Cal. Code of Regs. Section 18421.1

§ 82049. State Agency.

"State agency" means every state office, department, division, bureau, board and commission, and the Legislature.  
History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18249

§ 82050. State Candidate.

"State candidate" means a candidate who seeks nomination or election to any elective state office.

§ 82051. State Measure.

"State measure" means any measure which is submitted or is intended to be submitted to the voters of the state.

§ 82052. Statewide Candidate.

"Statewide candidate" means a candidate who seeks election to any statewide elective office.

§ 82052.5. Statewide Election.

"Statewide election" means an election for statewide elective office.

§ 82053. Statewide Elective Office.

"Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction and member of the State Board of Equalization.  
History: Amended by Stats. 1991, Ch. 674, amended by Stats. 2006, Ch. 102 (Proposition 34 of the November Statewide General Election)

§ 82054. Statewide Petition.

"Statewide petition" means a petition to qualify a proposed state measure.

§ 82055. Voting Age Population. [Repealed]

History: Repealed by Stats. 1979, Ch. 779.

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§ 83100. Establishment; Membership.  
§ 83101. Appointment by Governor.  
§ 83102. Appointment by Attorney General, Secretary of State and Controller.  
§ 83103. Terms of Office.  
§ 83104. Vacancies; Quorum.  
§ 83105. Qualifications; Removal.  
§ 83106. Compensation; Expenses.  
§ 83107. Executive Officer; Staff; Staff Compensation.  
§ 83108. Delegation of Authority.  
§ 83109. Civil Service Classification.  
§ 83110. Offices; Public Meetings.  
§ 83111. Administration and Implementation of Title

§ 83111.5. Actions to Implement Title.  
§ 83112. Rules and Regulations.  
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§ 83117.5. Receipt of Gift.  
§ 83117.6. Financial Disclosure Statement: First Filing by Commission Members.

[Repealed]  
§ 83118. Subpoena Powers.  
§ 83119. Self-Incrimination.  
§ 83120. Judicial Review.  
§ 83121. Judicial Advancement of Action.  
§ 83122. Fair Political Practices Commission; Appropriation.  
§ 83123. Local Enforcement.  
§ 83124. Cost of Living Adjustment.

§ 83100. Establishment; Membership.  
There is hereby established in state government the Fair Political Practices Commission. The Commission shall have five members, including the chairman. No more than three members of the Commission shall be members of the same political party.

**§ 83101. Appointment by Governor.**  
 The chairman and one additional member of the Commission shall be appointed by the Governor. The Governor's appointees shall not be members of the same political party.

**§ 83102. Appointment by Attorney General, Secretary of State and Controller.**  
 (a) The Attorney General, the Secretary of State and the Controller shall each appoint one member of the Commission.

(b) If the Attorney General, the Secretary of State and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than five hundred thousand may submit to the Controller a list of not less than five persons who are qualified and willing to be members of the Commission. The list shall be submitted not less than ten days after the effective date of this chapter for the Controller's initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.

**§ 83103. Terms of Office.**  
 Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment.

History: Amended by Stats. of 1987, Ch. 624.

**§ 83104. Vacancies; Quorum.**  
 Vacancies on the Commission shall be filled, within thirty days, by appointment of the same official who appointed the prior holder of the position. The provisions of Section 83102 (b) are not applicable to the filling of vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or chairman whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board. Three members shall constitute a quorum.

**§ 83105. Qualifications; Renewal.**  
 Each member of the Commission shall be an elector. No member of the Commission, during his or her tenure, shall hold, any other public office, serve as an officer of any political party or partisan

organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist, nor, during his or her term of appointment, seek election to any other public office. Members of the Commission may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply.  
 History: Amended by Stats. 1986, Ch. 620.

**§ 83106. Compensation; Expenses.**  
 The chairman of the Commission shall be compensated at the same rate as the president of the Public Utilities Commission. Each remaining member shall be compensated at the rate of one hundred dollars (\$100) for each day on which he engages in official duties. The members and chairman of the Commission shall be reimbursed for expenses incurred in performance of their official duties.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18307

**§ 83107. Executive Officer; Staff; Staff Compensation.**  
 The Commission shall appoint an executive director who shall act in accordance with Commission policies and regulations and with applicable law. The Commission shall appoint and discharge officers, counsel and employees, consistent with applicable civil service laws, and shall fix the compensation of employees and prescribe their duties.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18327

**§ 83108. Delegation of Authority.**  
 The Commission may delegate authority to the chairman or the executive director to act in the name of the Commission between meetings of the Commission.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18319  
 2 Cal. Code of Regs. Section 18327  
 2 Cal. Code of Regs. Section 18361.9  
 2 Cal. Code of Regs. Section 18363

**§ 83109. Civil Service Classification.**  
 For purposes of Section 18801 of the Government Code, no non-clerical position under the Commission shall be included in the same class in the civil service classification plan with any position of any other department or agency.

**§ 83110. Offices; Public Meetings.**  
 The principal office of the Commission shall be in Sacramento but it may establish offices, meet, and exercise its powers at any other place in the state. Meetings of the Commission shall be public except that the Commission may provide otherwise for discussions of personnel and litigation.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18310  
 2 Cal. Code of Regs. Section 18327

**§ 83111. Administration and Implementation of Title.**  
 The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18260  
 2 Cal. Code of Regs. Section 18327  
 2 Cal. Code of Regs. Section 18361.10

**§ 83111.5. Actions to Implement Title.**  
 The Commission shall take no action to implement this title that would abridge constitutional guarantees of freedom of speech, that would deny any person of life, liberty, or property without due process of law, or that would deny any person the equal protection of the laws.

History: Added by Stats. 1999, Ch. 225, effective August 24, 1999.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18327

**§ 83112. Rules and Regulations.**  
 The Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission. These rules and regulations shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections 11371 et seq.) and shall be consistent with this title and other applicable law.

History: Amended by Stats. 1999, Ch. 225, effective August 24, 1999.  
 Administrative Procedure Act, Section 11371.9  
 County Superior Court, Case No. 832795 (Office of the Appellate Third District (April 27, 1992), Case No. CB10924).

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18260  
 2 Cal. Code of Regs. Section 18312  
 2 Cal. Code of Regs. Section 18327  
 2 Cal. Code of Regs. Section 18392

**§ 83113. Additional Duties.**  
 The Commission shall, in addition to its other duties, do all of the following:

(a) Prescribe forms for reports, statements, notices and other documents required by this title.  
 (b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explaining the duties of persons and committees under this title.  
 (c) Provide assistance to agencies and public officials in administering the provisions of this title.  
 (d) Maintain a central file of local campaign contribution and expenditure ordinances forwarded to it by local government agencies.  
 (e) Annually publish a booklet not later than March 1 that sets forth the provisions of this title and includes other information the Commission deems pertinent to the interpretation and enforcement of this title. The Commission shall provide a reasonable number of copies of the booklet at no charge for the use of governmental agencies and subdivisions thereof that request copies of the booklet.

The Commission may charge a fee, not to exceed the prorated cost of producing the booklet, for providing copies of the booklet to other persons and organizations.  
 History: Amended by Stats. 1979, Ch. 511, amended by Stats. 1999, Ch. 835.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18313  
 2 Cal. Code of Regs. Section 18327

**§ 83114. Requests For and Issuances of Opinions; Advice.**  
 (a) Any person may request the Commission to issue an opinion with respect to his duties under this title. The Commission shall, within 14 days, either request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The Commission's opinions shall be public records and may from time to time be published.

(b) Any person may request the Commission to provide written advice with respect to the person's duties under this title. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the Commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of

either in reliance on the advice or because of the failure of the Commission to provide advice within 21 days of the request or such later extended time.

History: Amended by Stats. 1976, Ch. 1080.
Regulations: 2 Cal. Code of Regs. Section 18320
2 Cal. Code of Regs. Section 18321
2 Cal. Code of Regs. Section 18322
2 Cal. Code of Regs. Section 18323
2 Cal. Code of Regs. Section 18326
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18329.5

§ 83115. Investigations; Notice.

Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this title relating to any agency, official, election, lobbyist or legislative or administrative action. Within 14 days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or nonaction. If no decision has been made within 14 days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

History: Amended by Stats. 1985, Ch. 775.
Regulations: 2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18360
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18362.

§ 83115.5. Findings of Probable Cause; Requirements.

No finding of probable cause to believe this title has been violated shall be made by the Commission unless, at least 21 days prior to the Commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated this title. Notice to the alleged violator shall

be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the Commission a written request that the proceeding be public.

History: Added by Stats. 1976, Ch. 1080.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18362.

§ 83116. Violation of Title.

When the commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code). The commission shall have all the powers granted by that chapter. When the commission determines on the basis of the hearing that a violation has occurred, it shall issue an order that may require the violator to do all or any of the following:

- (a) Cease and desist violation of this title.
(b) File any reports, statements, or other documents or information required by this title.
(c) Pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

History: Amended by Proposition 208 of the November, 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18316.5
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18361.9

2 Cal. Code of Regs. Section 18361.10
2 Cal. Code of Regs. Section 18362

§ 83116.3. Administrative Law Judge; Rejection.

When the Commission rejects the decision of an administrative law judge made pursuant to Section 11517, the Commission shall state the reasons in writing for rejecting the decision.

History: Added by Stats. 1999, Ch. 297.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18327

§ 83116.5. Liability for Violations; Administrative.

Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in title violation of any provision of this title, shall be liable under the provisions of this chapter. However, this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and a violation of this section shall not constitute an additional violation under Chapter 11 (commencing with Section 91000).

History: Added by Stats. 1984, Ch. 670, amended by Proposition 208 of the November 1996 Statewide General Election, repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18316.5
2 Cal. Code of Regs. Section 18327

§ 83117. Authority of Commission.

The Commission may:
(a) Accept grants, contributions and appropriations;
(b) Contract for any services which cannot satisfactorily be performed by its employees;

(c) Employ legal counsel. Upon request of the Commission, the Attorney General shall provide legal advice and representation without charge to the Commission.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18327

§ 83117.5. Receipt of Gift.

It shall be unlawful for a member of the Commission to receive a gift of ten dollars (\$10) or more per month.

"Gift" as used in this section means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative official, an agency official, or a lobbyist or by any person listed in Section 87200. History: Added by Stats. 1975, Ch. 797, effective September 16, 1975.

§ 83117.6. Financial Disclosure Statement; First Filing by Commission Members. [Repealed]

History: Added by Stats. 1975, Ch. 797, effective September 16, 1975; repealed by Stats. 1978, Ch. 366.

§ 83118. Subpoena Powers.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18363

§ 83119. Self-Incrimination.

The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in accordance to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

§ 83120. Judicial Review.

An interested person may seek judicial review of any action of the Commission.

§ 83121. Judicial Advancement of Action.

If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

§ 83122. Fair Political Practices Commission: Appropriation.

There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) during the fiscal year of 1974-1975, and the sum of one million dollars (\$1,000,000), adjusted for cost-of-living changes, during each fiscal year thereafter, for expenditure to support the operations of the Commission pursuant to this title. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

The Department of Finance, in preparing the state budget and the Budget Bill submitted to the Legislature shall include an item for the support of the Political Reform Act of 1974, which item shall indicate all of the following: (1) the amounts to be appropriated to other agencies to carry out their duties under this title, which amounts shall be in augmentation of the support items of such agencies; (2) the additional amounts required to be appropriated by the Legislature to the Commission to carry out the purposes of this title, as provided for in this section; and (3) in parentheses, for informational purposes, the continuing appropriation during each fiscal year of one million dollars (\$1,000,000) adjusted for cost-of-living changes made to the Commission by this section.

The definition of "expenditure" in Section 82025 is not applicable to this section. History: Amended by Stats. 1976, Ch. 1075, effective September 21, 1976.

§ 83123. Local Enforcement.

The Commission shall establish a division of local enforcement to administer, interpret, and enforce, in accordance with the findings, declarations, purposes, and provisions of this title, those provisions relating to local government agencies as defined in Section 82041. History: Added by Stats. 1984, Ch. 1683, effective September 30, 1984.

§ 83124. Cost of Living Adjustment.

The commission shall adjust the contribution limitations and voluntary expenditure limitations provisions in Sections 85301, 85302, 85303, and 85400 in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100) for limitations on

contributions and one thousand dollars (\$1,000) for limitations on expenditures.

History: Added by Proposition 208 of the November, 1996 Statewide General Election, enacted and added by Stats. 2000, Ch. 104 [Proposition 34 of the November, Statewide General Election]. References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18544 2 Cal. Code of Regs. Section 18545

Chapter 4. Campaign Disclosure.

§ 84100 - 84511

- Article 1. Organization of Committees. § 84100 - 84108
- 2. Filing of Campaign Statements. § 84200 - 84225
- 3. Prohibitions. § 84300 - 84310
- 4. Exemptions. § 84400
- 5. Advertisements. § 84501 - 84511

Article 1. Organization of Committees.

§ 84100 - 84108

- § 84100. Treasurer.
- § 84101. Statement of Organization; Filing.
- § 84102. Statement of Organization; Contents.
- § 84103. Statement of Organization; Amendment.
- § 84104. Recordkeeping.
- § 84105. Notification to Contributors.
- § 84106. Sponsored Committee; Identification.
- § 84107. Ballot Measure Committee; Identification.
- § 84108. Slate Mailer Organization; Statement of Organization.

§ 84100. Treasurer.

Every committee shall have a treasurer. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents. No contribution or expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer. History: Repealed and reenacted as amended by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18404 2 Cal. Code of Regs. Section 18421.2 2 Cal. Code of Regs. Section 18426.1 2 Cal. Code of Regs. Section 18427

Opinions: In re Augustline (1975) 1 PFPCC Ops. 69

§ 84101. Statement of Organization; Filing.

(a) A committee that is a committee by virtue of subdivision (a) of Section 82013 shall file with the Secretary of State a statement of organization within 10 days after it has qualified as a committee. The committee shall file the original of the statement of organization with the Secretary of State and shall also file a copy of the statement of organization with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215. The original and copy of the statement of organization shall be filed within 10 days after the committee has qualified as a committee. The Secretary of State shall assign a number to each committee that files a statement of organization and shall notify the committee of the number. The Secretary of State shall send a copy of statements filed pursuant to this section to the county elections official of each county which he or she deems appropriate. A county elections official who receives a copy of a statement of organization from the Secretary of State pursuant to this section shall send a copy of the statement to the clerk of each city in the county that he or she deems appropriate.

(b) In addition to filing the statement of organization as required by subdivision (a), if a committee qualifies as a committee under subdivision (a) of Section 82013 before the date of an election in connection with which the committee is required to file pre-election statements, but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84200.7 or 84200.8, the committee shall file, by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this subdivision shall be filed with the filing officer with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(c) If an independent expenditure committee qualifies as a committee pursuant to subdivision (a) of Section 82013 during the time period described in Section 82036.5 and makes independent expenditures of one thousand dollars (\$1,000) or more to support or oppose a candidate or candidates for office, the committee shall file by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this section shall be filed with the filing officer with whom the committee is required to file the original of its campaign reports pursuant to Section 84215.

84215, and to file at all locations required for the candidate or candidates supported or opposed by the independent expenditures. The filings required by this section are in addition to filings that may be required by Sections 84203.5 and 84204.

(d) For purposes of this section, in calculating whether one thousand dollars (\$1,000) in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot shall not be included if these payments have been made from the candidate's personal funds.

History: Amended by Stats. 1978, Ch. 551, amended by Stats. 1979, Ch. 531, amended by Stats. 1986, Ch. 544, amended by Stats. 1992, Ch. 405, amended by Stats. 2001, Ch. 901, amended by Stats. 2004, Ch. 478, effective September 10, 2004.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18402.1 2 Cal. Code of Regs. Section 18404 2 Cal. Code of Regs. Section 18410 2 Cal. Code of Regs. Section 18421.2 2 Cal. Code of Regs. Section 18421.8 2 Cal. Code of Regs. Section 18503 2 Cal. Code of Regs. Section 18520 2 Cal. Code of Regs. Section 18521

§ 84102. Statement of Organization; Contents.

The statement of organization required by Section 84101 shall include:

- (a) The name, street address, and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. Whenever a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.
- (b) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.

(c) The full name, street address, and telephone number, if any, of the treasurer and other principal officers.

(d) The full name and office sought by any candidate and the title and ballot number, if any, of any measure, which the committee supports or opposes as its primary activity. A committee which does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics such as a political party affiliation.

(e) A statement whether the committee is independent or controlled, and if it is controlled, the



name of each candidate, or state measure proponent by which it is controlled, or the name of any controlled committee with which it traces jointly. If a committee is controlled by a candidate for partisan office, the controlled committee shall indicate the political party, if any, with which the candidate is affiliated.

(f) For a committee controlled by a candidate for his or her election, the name and address of the financial institution where the committee has established an account and the account number.

(g) Such other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1977, Ch. 1095, amended by Stats. 1983, Ch. 498, amended by Stats. 1986, Ch. 546, amended by Stats. 1990, Ch. 655, amended by Stats. 1992, Ch. 223, amended by Stats. 2000, Ch. 833.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18402  
 2 Cal. Code of Regs. Section 18402.1  
 2 Cal. Code of Regs. Section 18404.1  
 2 Cal. Code of Regs. Section 18410  
 2 Cal. Code of Regs. Section 18421.2  
 2 Cal. Code of Regs. Section 18430  
 2 Cal. Code of Regs. Section 18503  
 2 Cal. Code of Regs. Section 18521.5

Opinions: In re Evans (1975) 1 PPRC Ops. 20

**§ 84103. Statement of Organization; Amendment.**

(a) Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall, by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports pursuant to Section 84215 when the change requiring the amendment occurs before the date of the election in connection with which the committee is required to file a preelection statement, but after the closing date of the last preelection statement required to be filed for the election pursuant

to Section 84200.7 or 84200.8, if any of the following information is changed:

- (1) The name of the committee.
  - (2) The name of the treasurer or other principal officers.
  - (3) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.
- The notification shall include the changed information, the date of the change, the name of the person providing the notification, and the committee's name and identification number.

A committee may file a notification online only if the appropriate filing officer is capable of receiving the notification in that manner.

History: Amended by Stats. 1986, Ch. 544, amended by Stats. 1987, Ch. 479, amended by Stats. 2000, Ch. 833, amended by Stats. 2004, Ch. 478, effective September 10, 2004.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18402.1  
 2 Cal. Code of Regs. Section 18410  
 2 Cal. Code of Regs. Section 18421.2  
 2 Cal. Code of Regs. Section 18503  
 2 Cal. Code of Regs. Section 18521.5

**§ 84104. Recordkeeping.**

It shall be the duty of each candidate, treasurer, and elected officer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of this chapter. The detailed accounts, records, bills, and receipts shall be retained by the filer for a period specified by the commission. However, the commission shall not require retention of records for a period longer than the statute of limitations specified in Section 91000.5 or two years after the adoption of an audit report pursuant to Chapter 10 (commencing with Section 90000), whichever is less.

History: Added by Stats. 1979, Ch. 779, amended by Stats. 2004, Ch. 483.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18421.2  
 2 Cal. Code of Regs. Section 18426.1  
 2 Cal. Code of Regs. Section 18531.62

**§ 84105. Notification to Contributors.**

A candidate or committee which receives contributions of five thousand dollars (\$5,000) or more from any person shall inform the contributor that he or she may be required to file campaign reports. The

notification shall occur within two weeks of receipt of the contributions but need not be sent to any contributor who has an identification number assigned by the Secretary of State issued pursuant to Section 84101.

History: Added by Stats. 1984, Ch. 670.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18421.2  
 2 Cal. Code of Regs. Section 18427.1

**§ 84106. Sponsored Committee; Identification.**

(a) Whenever identification of a sponsored committee is required by this title, the identification shall include the full name of the committee as required in its statement of organization.

(b) A sponsored committee shall use only one name in its statement of organization.  
 History: Added by Stats. 1985, Ch. 498, amended by Stats. 1986, Ch. 546, amended by Stats. 2004, Ch. 484.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18419  
 2 Cal. Code of Regs. Section 18421.2

**§ 84107. Ballot Measure Committee; Identification.**

Within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which is primarily formed to support or oppose a ballot measure, shall, if supporting that measure, include the statement, "a committee for Proposition \_\_\_\_\_" or, if opposing the measure, include the statement, "a committee against Proposition \_\_\_\_\_" in any reference to the committee required by law.

History: Added by Stats. 1985, Ch. 498, amended by Stats. 2000, Ch. 833.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18421.2  
 2 Cal. Code of Regs. Section 18521.5  
 2 Cal. Code of Regs. Section 18531.5

**§ 84108. Slate Mailer Organization; Statement of Organization.**

(a) Every slate mailer organization shall comply with the requirements of Sections 84100, 84101, 84103, and 84104.

(b) The statement of organization of a slate mailer organization shall include:  
 (1) The name, street address, and telephone number of the organization. In the case of an individual or business entity that qualifies as a slate mailer organization, the name of the slate mailer organization shall include the name by which the

individual or entity is identified for legal purposes. Whenever identification of a slate mailer organization is required by this title, the identification shall include the full name of the slate mailer organization as contained in its statement of organization.

(2) The full name, street address, and telephone number of the treasurer and other principal officers.  
 (3) The full name, street address, and telephone number of each person with final decisionmaking authority as to which candidates or measures will be supported or opposed in the organization's slate mailers.

(c) The statement of organization shall be filed with the Secretary of State within 10 days after the slate mailer organization receives or is promised five hundred dollars (\$500) or more for producing one or more slate mailers. However, if an entity qualifies as a slate mailer organization before the date of an election in which it is required to file preselection statements, but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84218, the slate mailer organization shall file with the Secretary of State, by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a slate mailer organization, the information required to be reported in the statement of organization.

History: Added by Stats. 1987, Ch. 305, amended by Stats. 1996, Ch. 882, amended by Stats. 2004, Ch. 478, effective September 10, 2004.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18402.1  
 2 Cal. Code of Regs. Section 18421.2

**Article 2. Filing of Campaign Statements.**

**§ 84200 - 84225**

§ 84200. Semi-Annual Statements.  
 § 84200.3. Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year. [Repealed]

§ 84200.4. Time for Filing Reports Required Pursuant to § 84200.3. [Repealed]

§ 84200.5. Special Campaign Statements.  
 § 84200.6. Special Campaign Statements and Reports.  
 § 84200.7. Time for Filing Preliminary Statements for Elections Held in June or November of an Even-Numbered Year.

§ 84200.8. Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.

§ 84201. Combination of Statements. [Repealed]

§ 84202. Closing Dates. [Repealed]

§ 84202.3. Campaign Statements; Ballot Measure Committees.

§ 84202.5. Supplemental Preelection Statement.

§ 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.

§ 84203. Late Contribution Reports.

§ 84203.3. Late In-Kind Contributions.

§ 84203.5. Supplemental Independent Expenditure Report.

§ 84204. Late Independent Expenditures; Reports.

§ 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]

§ 84204.2. Preelection Statements; Final. [Repealed]

§ 84204.5. Ballot Measure Contributions and Expenditures; Reports

§ 84205. Combination of Statements.

§ 84206. Candidates Who Receive or Spend Less than \$1,000.

§ 84207. Late Independent Expenditures; Reports. [Repealed]

§ 84207.5. Appointments to Office; Filing Requirements. [Repealed]

§ 84208. Independent Expenditures; Reports. [Repealed]

§ 84209. Consolidated Statements; Special Election Reports. [Repealed]

§ 84211. Contents of Campaign Statement.

§ 84212. Forms; Loans.

§ 84213. Candidate Verification.

§ 84214. Termination.

§ 84215. Campaign Reports and Statements; Where to File.

§ 84216. Loans.

§ 84216.5. Loans Made by a Candidate or Committee.

§ 84217. Federal Office Candidates; Places Filed.

§ 84218. State Mailer Organization; Campaign Statements.

§ 84219. State Mailer Organization; Semi-Annual Statements; Contents.

§ 84220. State Mailer Organization; Late Payments.

§ 84221. State Mailer Organization; Termination.

§ 84222. Blank.

§ 84223. Blank.

§ 84224. Public Employees' Retirement Board Candidates.

§ 84225. Board Candidates.

§ 84200. Semi-Annual Statements.

(a) Except as provided in paragraphs (1), (2), and (3), elected officers, candidates, and committees pursuant to subdivision (a) of Section 82013 shall file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

(1) A candidate who, during the past six months has filed a declaration pursuant to Section 84206 shall not be required to file a semiannual statement for that six-month period.

(2) Elected officers whose salaries are less than two hundred dollars (\$200) a month, judges, judicial candidates, and their controlled committees shall not file semiannual statements pursuant to this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures.

(3) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year shall not file semiannual statements pursuant to this subdivision for any six-month period in that year if both of the following apply:

(A) The judge has not received any contributions.

(B) The only expenditures made by the judge during the calendar year are contributions from the judge's personal funds to other candidates or committees totaling less than one thousand dollars (\$1,000).

(b) All committees pursuant to subdivision (b) or (c) of Section 82013 shall file campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31, if they have made contributions or independent expenditures, including payments to a state mailer organization, during the six-month period before the closing date of the statements.

History. Amended by Stats. 1977, Ch. 1193, repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Campaign Statements in Connection with Elections Held at Times Other Than the State Direct Primary or the State Primary.")

Amended by Stats. 1983, Ch. 888, amended by Stats. 1984, Ch. 1368, repealed and reenacted as amended by Stats. 1985, Ch. 1456, amended by Stats. 1988, Ch. 708, amended by Stats. 1990, Ch. 581, amended by Stats. 1994, Ch. 1129, amended by Stats. 2000, Ch. 130.

References as to the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18401

2 Cal. Code of Regs. Section 18420

2 Cal. Code of Regs. Section 18420.5

2 Cal. Code of Regs. Section 18421.2

2 Cal. Code of Regs. Section 18425

Opinions: In re Lui (1987) 10 PFC Op. 10

In re Shannon (1975) 1 PFC Op. 185

In re Keith-Morris (1975) 1 PFC Op. 162

In re Chasman (1975) 1 PFC Op. 24

§ 84200.3. Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year. [Repealed]

History. Added by Stats. 1999, Ch. 158, effective July 23, 1999, amended by Stats. 1999, Ch. 433, effective September 16, 1999, repealed by Stats. 2005, Ch. 200.

§ 84200.4. Time for Filing Reports Required Pursuant to § 84200.3. [Repealed]

History. Added and repealed by Stats. 1995, Ch. 470, (formerly titled "Candidates for Office"), added by Stats. 1999, Ch. 158, effective July 23, 1999, repealed by Stats. 2005, Ch. 200.

§ 84200.5. Preelection Statements.

In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file preelection statements as follows:

(a) During an even-numbered year, all candidates for elective state office being voted upon in the statewide direct primary election or the statewide general election, their controlled committees, and committees primarily formed to support or oppose an elected state officer or a state candidate being voted upon, shall file the applicable preelection statements specified in Section 84200.7 or 84200.8. All elected state officers who, during the applicable reporting periods covered by Section 84200.7 or 84200.8, contribute to any committee required to report receipts, expenditures, or contributions pursuant to this title, or make an independent expenditure, shall file the applicable preelection statements specified in Section 84200.7 or 84200.8. However, a candidate who is not being voted upon in the November election, his or her controlled committee, and any committee primarily formed to support or oppose that candidate is not required to file statements in connection with the November election pursuant to subdivision (b) of Section 84200.7 unless, during the reporting periods covered by Section 84200.7, the candidate, his or her controlled committee, or any committee primarily formed to support or oppose that candidate contributes to any committee required to report receipts,

expenditures, or contributions pursuant to this title or makes independent expenditures.

(b) During an even-numbered year, all candidates not specified in subdivision (a) who are being voted upon on the first Tuesday after the first Monday in June or November, their controlled committees, and committees primarily formed to support or oppose those candidates or a measure being voted upon on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in subdivision (a) of Section 84200.7 in the case of a June election, or subdivision (b) of Section 84200.7 in the case of a November election.

(c) All candidates being voted upon on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year, their controlled committees, and committees primarily formed to support or oppose a candidate or a measure being voted upon on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in Section 84200.8.

(d) In an even-numbered year in which the statewide direct primary election is held on the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the preelection statements specified in Section 84200.7 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.7.

(e) During an even-numbered year in which the statewide direct primary election is held on a date other than the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.8.

(f) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in

connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preselection statement.

(g) City general purpose committees shall file statements as follows:

- (1) City general purpose committees in a city which has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preselection statement.
- (2) City general purpose committees in a city which has an election on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preselection statements specified in Section 84200.8 if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preselection statement.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 542, amended by Stats. 1988, Ch. 1281 effective September 26, 1988, amended by Stats. 1991, Ch. 505, amended by Stats. 1991, Ch. 1077, amended by Stats. 1993, Ch. 769, amended by Stats. 1999, Ch. 158, effective July 23, 1999, amended by Stats. 1999, Ch. 855, amended by Stats. 2004, Ch. 623, effective September 21, 2004.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18405  
 2 Cal. Code of Regs. Section 18421.2

**§ 84200.6. Special Campaign Statements and Reports.**

In addition to the campaign statements required by Sections 84200 and 84200.5, all candidates and committees shall file the following special statements and reports:

- (a) Supplemental preselection statements when required by Section 84200.5.
- (b) Late contribution reports when required by Section 84200.
- (c) Independent expenditure reports when required by Section 84200.5.
- (d) Late independent expenditure reports when required by Section 84200.

History: Added by Stats. 1985, Ch. 1456.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18420.5  
 2 Cal. Code of Regs. Section 18421.2

**§ 84200.7. Time for Filing Preselection Statements for Elections Held in June or November of an Even-Numbered Year.**

(a) Preselection statements for the June election period shall be filed as follows:

- (1) For the period ending March 17, a statement to be filed no later than March 22. However, for a special election called after March 17, or for which the period for filing nomination documents, as defined in Section 333 of the Elections Code, ends after March 17, a preselection statement for the period ending 45 days before the election shall be filed no later than 40 days before the election.
- (2) For the period ending 17 days before the election, a statement to be filed no later than 12 days before the election. All candidates being voted upon in the June election, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in the June election shall file this statement by guaranteed overnight delivery service or by personal delivery.

(b) Preselection statements for the November election period shall be filed as follows:  
 (1) For the period ending September 30, a statement to be filed no later than October 5.  
 (2) For the period ending 17 days before the election, a statement to be filed no later than 12 days before the election. All candidates being voted upon in the November election, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in the November election shall file this statement by guaranteed overnight delivery service or by personal delivery.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 984, amended by Stats. 1994, Ch. 923.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18405  
 2 Cal. Code of Regs. Section 18420.5  
 2 Cal. Code of Regs. Section 18421.2

**§ 84200.8. Time for Filing Preselection Statements for Elections Not Held in June or November of an Even-Numbered Year.**

Preselection statements shall be filed under this section as follows:

(a) For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.

(b) For the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election. All candidates being voted upon in the election, in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.

(c) For runoff elections held within 60 days of the qualifying election, an additional preselection statement for the period ending 17 days before the runoff election shall be filed no later than 12 days before the election. All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 984.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18405  
 2 Cal. Code of Regs. Section 18420.5  
 2 Cal. Code of Regs. Section 18421.2

**§ 84201. Combination of Statements.**

History: Added by Stats. 1977, Ch. 1193, repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Campaign Statements in Connection with Elections Held on the State-Direct Primary or State General Election Dates"; repealed by Stats. 1985, Ch. 1456. Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Contents of Campaign Statements; Reporting Threshold"); repealed by Stats. 2006, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 84202. Closing Dates. [Repealed]**

History: Added by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975, amended by Stats. 1976, Ch. 1046, amended, renumbered, by Stats. 1977, Ch. 1193. (Formerly titled "Contents of Campaign Statements"; amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Candidate Campaign Statements"; repealed by Stats. 1985, Ch. 1456.

**§ 84202.3. Campaign Statements; Ballot Measure Committees.**

(a) In addition to the campaign statements required by Section 84200, committees pursuant to subdivision (a) of Section 82013 that are primarily

formed to support or oppose the qualification, passage, or defeat of a measure and proponents of a state ballot measure who control a committee formed or existing primarily to support the qualification, passage, or defeat of a state ballot measure, shall file campaign statements on the following dates:

- (1) No later than April 30 for the period January 1 through March 31.
- (2) No later than October 31 for the period July 1 through September 30.

(b) This section shall not apply to a committee during any semiannual period in which the committee is required to file preselection statements pursuant to subdivision (a), (b), or (c) of Section 84200.5.

(c) This section shall not apply to a committee following the election at which the measure is voted upon unless the committee makes contributions or expenditures to support or oppose the qualification or passage of another ballot measure.

History: Added by Stats. 1991, Ch. 696, amended by Stats. 1993, Ch. 769.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18401  
 2 Cal. Code of Regs. Section 18420.5  
 2 Cal. Code of Regs. Section 18421.2

**§ 84202.5. Supplemental Preselection Statement.**

(a) Any candidate or any committee pursuant to subdivision (a) of Section 82013 which makes contributions totaling ten thousand dollars (\$10,000) or more in connection with an election, including a runoff election, shall file a supplemental preselection statement no later than 12 days before the election, for the period ending 17 days before the election. This statement shall be filed by guaranteed overnight delivery service or by personal delivery with each office with which the candidate or committee filing the statement is required to file its next campaign statement pursuant to Section 8421.5.

(b) This section shall not apply to candidates or committees during any semiannual period in which the candidate or committee is required to file preselection statements pursuant to Section 84200.5.

(c) If a candidate or committee makes contributions totaling ten thousand dollars (\$10,000) or more in connection with an election and all of those contributions are reported pursuant to Section 84200 or 84202.7 on or before the closing date specified in subdivision (a), the candidate or committee shall not be required to file additional statements for that period pursuant to this section.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 984, amended by Stats. 1992, Ch. 89, amended by Stats. 2000, Ch. 130, amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18402.5
- 2 Cal. Code of Regs. Section 18420.5
- 2 Cal. Code of Regs. Section 18421.2

§ 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.

(a) Except as provided in subdivision (b), during an odd-numbered year, any committee by virtue of Section 82013 that makes contributions totaling ten thousand dollars (\$10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below shall file campaign statements on the following dates:

- (1) No later than April 30 for the period of January 1 through March 31.
- (2) No later than October 31 for the period of July 1 through September 30.

(b) If a committee makes contributions totaling ten thousand dollars (\$10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.

History: Added by Stats. 1986, Ch. 984, amended by Stats. 1993, Ch. 218, amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18420.5
- 2 Cal. Code of Regs. Section 18421.2

§ 84203. Late Contribution; Reports.

(a) Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215. The candidate or committee that makes the late contribution shall report his or her full name and street address and the date and street address of the person to whom the late contribution has been made, the office sought if the recipient is a candidate, or the ballot number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, and the date and amount of the late contribution. The recipient of the late contribution shall report his or her full name and street address, the

date and amount of the late contribution, and whether the contribution was made in the form of a loan. The recipient shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.

(b) A late contribution shall be reported by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(c) A late contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

(e) The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.

History: Amended and renumbered by Stats. 1977, Ch. 1193 (Formerly Section 84201). (Former Section 84203, titled "Measure, Committee; Time for Filing Campaign Statement," repealed by Stats. 1980, Ch. 289). (Formerly titled "Time for Filing When a Special, General or Runoff Election is Held Less than 60 Days Following the Primary Election.") Repealed and renumbered as amended by Stats. 1985, Ch. 1456. (Formerly titled "Designation of Final Committee Pesticide Statement,"); amended by Stats. 1992, Ch. 89, amended by Stats. 2002, Ch. 211, amended by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2005, Ch. 200.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18116
- 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18420.5
- 2 Cal. Code of Regs. Section 18421.1
- 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18425

§ 84203.3. Late In-Kind Contributions.

(a) Any candidate or committee that makes a late contribution that is an in-kind contribution shall notify the recipient in writing of the value of the in-kind contribution. The notice shall be received by the recipient within 24 hours of the time the contribution is made.

(b) Nothing in this section shall relieve a candidate or committee that makes a late in-kind

contribution or the recipient of a late in-kind contribution from the requirement to file late contribution reports pursuant to Section 84203. However, a report filed by the recipient of a late in-kind contribution shall be deemed timely filed if it is received by the filing officer within 48 hours of the time the contribution is received.

History: Added by Stats. 1995, Ch. 77.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18420.5
- 2 Cal. Code of Regs. Section 18421.2

§ 84203.5. Supplemental Independent Expenditure Report.

(a) In addition to any campaign statements required by this article, if a candidate or committee has made independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports at the same time, covering the same periods, and in the places where the candidate or committee would be required to file campaign statements under this article, as if it were formed or existing primarily to support or oppose the candidate or measure or qualification of the measure. No independent expenditure report need be filed to cover a period for which there has been no activity to report.

(b) An independent expenditure report shall contain the following information:

- (1) The name, street address, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer, and the number assigned to the committee by the Secretary of State.
- (2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks nomination or election. If the report is related to a measure or qualification of a measure, the number or letter of the measure, or if none has yet been assigned, a brief description of the subject matter of the measure, and the jurisdiction in which the measure is to be voted on or would be voted on if it qualified.

(3) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received less than one hundred dollars (\$100).

(4) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received one hundred dollars (\$100) or more.

(5) For each person to whom an expenditure of one hundred dollars (\$100) or more related to the candidate or measure has been made during the period covered by the report and for each person who has provided consideration for an expenditure of one hundred dollars (\$100) or more during the period covered by the report:

- (A) His or her full name.
- (B) His or her street address.
- (C) If the person is a committee, the name of the committee, the number assigned to the committee by the Secretary of State, or if no number has been assigned, the full name and street address of the treasurer of the committee.
- (D) The date of the expenditure.
- (E) The amount of the expenditure.
- (F) A brief description of the consideration for which each expenditure was made and the value of the consideration if less than the total amount of the expenditure.
- (G) The cumulative amount of expenditures to such person.
- (H) A list of all the filing officers with whom the committee filed its most recent campaign statement.

(c) Filing officers shall maintain paper reports filed pursuant to this section under the name of the candidate or measure supported or opposed by the independent expenditure.

History: Added by Stats. 1985, Ch. 1456, amended by Stats. 2000, Ch. 130, amended by Stats. 2004, Ch. 483.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18420.5
- 2 Cal. Code of Regs. Section 18421.2

§ 84204. Late Independent Expenditures; Reports.

(a) A committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is made. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office, and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, the jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of goods or services for which the

late independent expenditure was made. In addition to the information required by this subdivision, a committee that makes a late independent expenditure shall include with its late independent expenditure report the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the late independent expenditure. No information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, that is required to be reported with a late independent expenditure report by this subdivision, is required to be reported on more than one late independent expenditure report.

(c) A committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this article.

(e) Expenditures that have been disclosed by candidates and committees pursuant to Section 85500 are not required to be disclosed pursuant to this section.

History: Former Section 84204, titled "Support of Both Candidates and Measures: Filing Requirements," repealed by Stats. 1977, Ch. 1193, former Section 84202 amended by Stats. 1976, Ch. 1106; renumbered to 84204 by Stats. 1977, Ch. 1193; repealed and renamed as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing: Committees Supporting or Opposing the Qualification of a Measure and Proponents of State Measures"; repealed and renamed as amended by Stats. 1983, Ch. 1456. (Formerly titled "Designation of Final Candidate Preference Statement"); amended by Stats. 1992, Ch. 89; amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2005, Ch. 260.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116  
2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18413  
2 Cal. Code of Regs. Section 18420.5  
2 Cal. Code of Regs. Section 18421.2

**§ 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]**  
History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

**§ 84204.2. Preelection Statements; Final.** [Repealed]  
History: Added by Stats. 1976, Ch. 1105; amended by Stats. 1978, Ch. 1468, effective October 1, 1978; repealed by Stats. 1980, Ch. 289.

**§ 84204.5. Ballot Measure Contributions and Expenditures; Reports.**

(a) In addition to any other report required by this title, a committee pursuant to subdivision (a) of Section 82013 that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State each time it makes contributions totaling five thousand dollars (\$5,000) or more or each time it makes independent expenditures totaling five thousand dollars (\$5,000) or more to support or oppose the qualification or passage of a single state ballot measure. The report shall be filed within 10 business days of making the contributions or independent expenditures and shall contain all of the following:

- (1) The full name, street address, and identification number of the committee.
- (2) The number or letter of the measure if the measure has qualified for the ballot and has been assigned a number or letter; the title of the measure if the measure has not been assigned a number or letter but has been issued a title by the Attorney General; or the subject of the measure if the measure has not been assigned a number or letter and has not been issued a title by the Attorney General.
- (3) In the case of a contribution, the date and amount of the contribution and the name, address, and identification number of the committee to whom the contribution was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution requiring a report under this section, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution requiring a report under this section. No information required in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.
- (4) In the case of an independent expenditure, the date, amount, and a description of the goods or

services for which the expenditure was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. No information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(b) Reports required by this section are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed.

(c) Independent expenditures that have been disclosed by a committee pursuant to Section 84204 or 85500 are not required to be disclosed pursuant to this section.

History: Added by Stats. 2006, Ch. 438.  
References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18420.5  
2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18466

**§ 84205. Combination of Statements.**

The Commission may by regulation or written advice permit candidates and committees to file campaign statements combining statements and reports required to be filed by this title.

History: Amended by Stats. 1977, Ch. 1193; repealed and renamed as amended by Stats. 1980, Ch. 289. (Formerly titled "Closing Dates"; amended by Stats. 1981, Ch. 78; repealed and renamed by Stats. 1983, Ch. 1456. (Formerly titled "Candidates Who Receive or Spend Less than \$500.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18420.5  
2 Cal. Code of Regs. Section 18421.2

**§ 84206. Candidates Who Receive or Spend Less Than \$1,000.**

(a) The Commission shall provide by regulation for a short form for filing reports required by this

article for candidates or officeholders who receive contributions of less than one thousand dollars (\$1,000), and who make expenditures of less than one thousand dollars (\$1,000), in a calendar year.

(b) For the purposes of this section, in calculating whether one thousand dollars (\$1,000) in expenditures have been made, payments for a filing fee or for a statement of qualification shall not be included if these payments have been made from the candidate's personal funds.

(c) Every candidate or officeholder who has filed a short form pursuant to subdivision (a), and who thereafter receives contributions or makes expenditures totaling one thousand dollars (\$1,000) or more in a calendar year, shall send written notification to the Secretary of State, the local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of one thousand dollars (\$1,000). The written notification shall revoke the previously filed short form statement.

History: Repealed and renamed as amended by Stats. 1980, Ch. 289. (Formerly titled "Semi-Annual Campaign Statements"; repealed and renamed as amended by Stats. 1985, Ch. 1456. (Formerly titled "Late Contributions, Reports"; amended by Stats. 1987, Ch. 632, amended by Stats. 1993, Ch. 391.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18406  
2 Cal. Code of Regs. Section 18421.2

Opinions: In re Lat (1987) 10 PPRC Ops. 10

**§ 84207. Late Independent Expenditures; Reports. [Repealed]**

History: Amended by Stats. 1977, Ch. 1193, effective January 1, 1978; repealed and renamed as amended by Stats. 1980, Ch. 289. (Formerly titled "Candidate for Re-election to Judicial Office"; repealed by Stats. 1985, Ch. 1456.

**§ 84207.5. Appointments to Offices; Filing Requirements. [Repealed]**

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

**§ 84208. Independent Expenditures; Reports. [Repealed]**

History: Added by Stats. 1980, Ch. 289; repealed by Stats. 1985, Ch. 1456.

**§ 84209. Consolidated Statements.**

A candidate or state measure proponent and any committee or committees which the candidate or a state measure proponent controls may file consolidated campaign statements under this chapter. Such consolidated statements shall be filed in each place each of the committees and the candidate or state

measure proponent would be required to file campaign statements if separate statements were filed.

History: Added by Stats. 1980, Ch. 289.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 184212

**§ 84210. Special Election Reports. [Repealed]**  
History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289. Formerly titled "Contents of Campaign Statement."; repealed by Stats. 1985, Ch. 1456.

**§ 84211. Contents of Campaign Statement.**

Each campaign statement required by this article shall contain all of the following information:

(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.

(b) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars (\$100).

(e) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

- (1) His or her full name.
- (2) His or her street address.
- (3) His or her occupation.
- (4) The name of his or her employer, or if self-employed, the name of the business.

(5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.

(6) The cumulative amount of contributions.  
(g) If the cumulative amount of loans received from or made to a person is one hundred dollars (\$100) or more, and a loan has been received from or

made to a person during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:

- (1) His or her full name.
- (2) His or her street address.
- (3) His or her occupation.
- (4) The name of his or her employer, or if self-employed, the name of the business.

(5) The original date and amount of each loan.

(6) The due date and interest rate of the loan.

(7) The cumulative payment made or received to date at the end of the reporting period.

(8) The balance outstanding at the end of the reporting period.

(9) The cumulative amount of contributions.

(h) For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received or outstanding during the period covered by the campaign statement, all of the following:

- (1) His or her full name.
- (2) His or her street address.
- (3) His or her occupation.
- (4) The name of his or her employer, or if self-employed, the name of the business.

(5) The amount of his or her maximum liability outstanding.

(i) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars (\$100) or more.

(j) The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than one hundred dollars (\$100).

(k) For each person to whom an expenditure of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement, all of the following:

- (1) His or her full name.
- (2) His or her street address.
- (3) The amount of each expenditure.
- (4) A brief description of the consideration for which each expenditure was made.

(5) In the case of an expenditure which is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure, in addition to the information required in paragraphs (1) to (4) above, the date of the contribution or independent expenditure, the cumulative amount of contributions made to a candidate, elected officer, or committee, or

on behalf of his or her candidacy and whether the committee is controlled by the candidate.

(g) A contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported.

(f) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (k) and 50 percent or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee's campaign statement shall also contain, in addition to the information required by subdivision (k), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(s) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (k), and a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee's campaign statement shall also contain, in addition to the information required by subdivision (k), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(t) If the campaign statement is filed by a committee, as defined in subdivision (b) or (c) of Section 82013, information sufficient to identify the nature and interests of the filer, including:

- (1) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.
- (2) If the filer is a business entity, a description of the business activity in which it is engaged.

(3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents, including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents.

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a

the cumulative amount of independent expenditures made relative to a candidate or measure; the full name of the candidate, and the office and district for which he or she seeks nomination or election, or the number or letter of the measure; and the jurisdiction in which the measure or candidate is voted upon.

(6) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for an expenditure of five hundred dollars (\$500) or more during the period covered by the campaign statement.

For purposes of subdivisions (i), (j), and (k) only, the terms "expenditure" or "expenditures" mean any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.

(l) In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt.

(m) If a committee is listed pursuant to subdivision (f), (g), (h), (i), or (j), the number assigned to the committee by the Secretary of State shall be listed, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(n) In a campaign statement filed by a candidate who is a candidate in both a state primary and general election, his or her controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made for the period January 1 through June 30 and the total amount of contributions received and expenditures made for the period July 1 through December 31.

(o) The full name, residential or business address, and telephone number of the filer, or in the case of a campaign statement filed by a committee defined by subdivision (b) of Section 82013, the name, street address, and telephone number of the committee and of the committee treasurer. In the case of a committee defined by subdivision (b) or (c) of Section 82013, the name that the filer uses on campaign statements shall be the name by which the filer is identified for other legal purposes or any name by which the filer is commonly known to the public.

(p) If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures

statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

History: Amended by Stats. 1978, Ch. 650, repealed and reenacted as amended by Stats. 1980, Ch. 289, (Formerly titled "Consideration of Cumulative Amount"), amended by Stats. 1982, Ch. 377, amended by Stats. 1985, Ch. 899, amended by Stats. 1988, Ch. 704, amended by Stats. 1989, Ch. 1452, amended by Stats. 1990, Ch. 381, amended by Stats. 1991, Ch. 674, amended by Stats. 1993, Ch. 1140, amended by Stats. 2000, Ch. 161, amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229
  - 2 Cal. Code of Regs. Section 18229.1
  - 2 Cal. Code of Regs. Section 18401
  - 2 Cal. Code of Regs. Section 18421
  - 2 Cal. Code of Regs. Section 18421.1
  - 2 Cal. Code of Regs. Section 18421.2
  - 2 Cal. Code of Regs. Section 18421.3
  - 2 Cal. Code of Regs. Section 18421.4
  - 2 Cal. Code of Regs. Section 18421.5
  - 2 Cal. Code of Regs. Section 18421.6
  - 2 Cal. Code of Regs. Section 18421.7
  - 2 Cal. Code of Regs. Section 18421.8
  - 2 Cal. Code of Regs. Section 18428
  - 2 Cal. Code of Regs. Section 18430
  - 2 Cal. Code of Regs. Section 18531.5
  - 2 Cal. Code of Regs. Section 18537
- Opinions:
- In re Roberts (2004) 17 PPRC Ops. 9
  - In re Nelson (1979) 5 PPRC Ops. 18
  - In re Buchanan (1979) 5 PPRC Ops. 14
  - In re Kahn (1976) 2 PPRC Ops. 151
  - In re Janssion (1976) 2 PPRC Ops. 140
  - In re McCormick (1976) 2 PPRC Ops. 42
  - In re Bunting (1976) 2 PPRC Ops. 17
  - In re Hayes (1975) 1 PPRC Ops. 210
  - In re Satz (1975) 1 PPRC Ops. 137

§ 84212. Forms; Loans.

The forms promulgated by the Commission for disclosure of the information required by this chapter shall provide for the reporting of loans and similar transactions in a manner that does not result in substantial overstatement or understatement of total contributions and expenditures.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975, repealed and reenacted as amended by Stats. 1980, Ch. 289, (Formerly titled "Candidates Who Receive and Spend \$200 or Less"), amended by Stats. 1985, Ch. 1456.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

§ 84213. Candidate Verification.

A candidate and state measure proponent shall verify his or her campaign statement and the campaign statement of each committee subject to his or her

(a) Statewide elected officers and candidates for those offices other than the Board of Equalization, supreme court justices, their controlled committees, committees formed or existing primarily to support or oppose these candidates, elected officers, supreme court justices, or statewide measures, or the qualification of state ballot measures, and all state general purpose committees and filers not specified in subdivisions (b) to (i), inclusive.

(1) The original and one copy with the Secretary of State.

(2) One copy with the Registrar-Recorder of Los Angeles County.

(3) One copy with the Registrar of Voters of the City and County of San Francisco.

(b) Members of the Legislature or Board of Equalization, court of appeal justices, superior court judges, candidates for those offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or officeholders.

(1) The original and one copy with the Secretary of State.

(2) One copy with the elections official of the county with the largest number of registered voters in the districts affected.

(c) Elected officers in jurisdictions other than legislative districts, Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

(d) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (e), and county general purpose committees shall file the original and one copy with the elections official of the county.

(e) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.

(f) Nonwithstanding the above, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy of a campaign statement with any one county elections official or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.

History: Added by Stats. 1978, Ch. 1408, effective October 1, 1978, repealed and reenacted as amended by Stats. 1980, Ch. 289 (Formerly titled "Combination of Pre-election and Semiannual Statements"), amended by Stats. 1982, Ch. 1060, amended by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 490, amended by Stats. 1990, Ch. 581, amended by Stats. 2001, Ch. 241, effective September 4, 2001, amended by Stats. 2007, Ch. 34.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18227
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18404.1
- 2 Cal. Code of Regs. Section 18405
- 2 Cal. Code of Regs. Section 18421.2

§ 84216. Loans.

(a) Nonwithstanding Section 82015, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes.

(b) A loan, whether or not there is a written contract for the loan, shall be reported as provided in Section 84211 when any of the following apply:

- (1) The loan is a contribution.
- (2) The loan is received by a committee.
- (3) The loan is received by a candidate and is used for political purposes.

History: Added by Stats 1977, Ch. 1119, amended by Stats. 1980, Ch. 289, amended by Stats. 1982, Ch. 29, repealed and reenacted as amended by Stats. 1985, Ch. 899, amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

§ 84216.5. Loans Made by a Candidate or Committee.

A loan of campaign funds, whether or not there is a written contract for the loan, made by a candidate or committee shall be reported as provided in Section 84211.

History: Former Section 84216.5 renumbered § 4213 by Stats. 1980, Ch. 289; new section added by Stats. 1985, Ch. 899, amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

§ 84217. Federal Office Candidates; Places Filed.

When the Secretary of State receives any campaign statement filed pursuant to the Federal Election Campaign Act, (2 U.S.C.A. Section 431 et seq.) the Secretary of State shall send a copy of the statement to the following officers:

- (a) Statements of candidates for President, Vice President or United States Senator and committees supporting such candidates - one copy with the Registrar-Recorder of Los Angeles County and one copy with the Registrar of Voters of the City and County of San Francisco.
- (b) Statements of candidates for United States Representative in Congress and committees supporting such candidates - one copy with the clerk of the county which contains the largest percentage of the registered voters in the election district which the candidate or any of the candidates seek nomination or election and one copy with the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California the statement shall be sent to the Registrar-Recorder of Los Angeles County. No more than one copy of each statement need be filed with the clerk of any county.

History: Amended by Stats. 1977, Ch. 1095, amended and renumbered Section 84226 by Stats. 1979, Ch. 779. (Formerly Section 8426.) Amended and renumbered by Stats. 1980, Ch. 285. (Formerly Section 84226.)

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

Opinions: In re Dennis-Stathinberg (1976) 2, FPFC Op. 61

§ 84218. State Mailer Organization;

Campaign Statements. (a) A slate mailer organization shall file semiannual campaign statements for each period in which it has received payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in a state mailer, or in which it has expended five hundred dollars (\$500) or more to produce one or more slate mailers. The semiannual statements shall be filed no later than July 31 for the period ending June 30, and no later than January 31, for the period ending December 31.

History: Amended by Stats. 1977, Ch. 1095, amended and renumbered Section 84226 by Stats. 1979, Ch. 779. (Formerly Section 8426.) Amended and renumbered by Stats. 1980, Ch. 285. (Formerly Section 84226.)

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

Opinions: In re Dennis-Stathinberg (1976) 2, FPFC Op. 61

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History: Amended by Stats. 1977, Ch. 1095, amended and renumbered Section 84226 by Stats. 1979, Ch. 779. (Formerly Section 8426.) Amended and renumbered by Stats. 1980, Ch. 285. (Formerly Section 84226.)

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

Opinions: In re Dennis-Stathinberg (1976) 2, FPFC Op. 61

(b) In addition to the semiannual statements required by subdivision (a), slate mailer organizations shall file pre-election statements as follows:

- (1) Any slate mailer organization which produces a slate mailer supporting or opposing candidates or measures being voted on in an election held upon the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in Section 84200.7 if, during the period covered by the pre-election statement, the slate mailer organization receives payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers, or expends five hundred dollars (\$500) or more to produce one or more slate mailers.
- (2) Any slate mailer organization which produces a slate mailer supporting or opposing candidates or measures being voted on in an election held on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in Section 84200.8 if, during the period covered by the pre-election statement, the slate mailer organization receives payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers, or expends five hundred dollars (\$500) or more to produce one or more slate mailers.

(c) A slate mailer organization shall file two copies of its campaign reports with the clerk of the county in which it is domiciled. A slate mailer organization is domiciled at the address listed on its statement of organization unless it is domiciled outside California, in which case its domicile shall be deemed to be Los Angeles County for purposes of this section.

In addition, slate mailer organizations shall file campaign reports as follows:

- (1) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in a state election, or in more than one county, shall file campaign reports in the same manner as state general purpose committees pursuant to subdivision (a) of Section 84215.
- (2) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (d) of Section 84215.
- (3) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city shall

file campaign reports in the same manner as city general purpose committees pursuant to subdivision (e) of Section 84215.

- (4) Notwithstanding the above, no slate mailer organization shall be required to file more than the original and one copy, or two copies, of a campaign report with any one county or city clerk or with the Secretary of State.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2

§ 84219. State Mailer Organization;

Semi-Annual Statements; Contents. Whenever a slate mailer organization is required to file campaign reports pursuant to Section 84218, the campaign report shall include the following information:

- (a) The total amount of receipts during the period covered by the campaign statement, and the total cumulative amount of receipts. For purposes of this section only, "receipts" means payments received by a slate mailer organization for production and distribution of slate mailers.
- (b) The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For purposes of this section only, "disbursements" means payment made by a slate mailer organization for the production or distribution of slate mailers.
- (c) For each candidate or committee that is a source of receipts totaling one hundred dollars (\$100) or more during the period covered by the campaign statement:

- (1) The name of the candidate or committee, identification of the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee's identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment is made.
- (2) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.
- (3) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (d) For each person other than a candidate or committee who is a source of receipts totaling one hundred dollars (\$100) or more during the period covered by the campaign statement:

- (1) Identification of the jurisdiction, office or ballot measure, and name of the candidate or measure

on whose behalf or in opposition to which the payment was made.

- (2) Full name, street address, name of employer, or, if self-employed, name of business of the source of receipts.
- (3) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.
- (4) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (e) For each candidate or ballot measure not reported pursuant to subdivision (c) or (d), but who was supported or opposed in a state mailer sent by the slate mailer organization during the period covered by the report, identification of jurisdiction, office or ballot measure, and name of the candidate or measure who was supported or opposed.
- (f) The total amount of disbursements made during the period covered by the campaign statement to persons who have received one hundred dollars (\$100) or more.
- (g) The total amount of disbursements made during the period covered by the campaign statement to persons who have received less than one hundred dollars (\$100).
- (h) For each person to whom a disbursement of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement:

- (1) His or her full name.
- (2) His or her street address.
- (3) The amount of each disbursement.
- (4) A brief description of the consideration for which each disbursement was made.
- (5) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for a disbursement of five hundred dollars (\$500) or more during the period covered by the campaign statement.
- (i) Cumulative disbursements, totaling one thousand dollars (\$1,000) or more, made directly or indirectly to any person listed in the slate mailer organization's statement of organization. For purposes of this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person's immediate family, or if it is made to a business entity in which the person or member of the person's immediate family is a partner, shareholder, owner, director, trustee, officer, employee, consultant, or holds any position of management or in which the person or member of the person's immediate family has an investment of one thousand dollars (\$1,000) or more. This subdivision



shall not apply to any disbursement made to a business entity whose securities are publicly traded.

(j) The full name, street address, and telephone number of the slate mailer organization and of the treasurer.

(k) Whenever a slate mailer organization also qualifies as a general purpose committee pursuant to Section 82027.5, the campaign report shall include, in addition to the information required by this section, the information required by Section 84211.

History: Added by Stats. 1987, Ch. 905, amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

#### § 84220. Slate Mailer Organization; Late Payments.

If a slate mailer organization receives a payment of two thousand five hundred dollars (\$2,500) or more for purposes of supporting or opposing any candidate or ballot measure in a slate mailer, and the payment is received at a time when, if the payment were a contribution it would be considered a late contribution, then the slate mailer organization shall report the payment in the manner set forth in Section 84203 for candidates and committees when reporting late contributions received. The slate mailer organization shall, in addition to reporting the information required by Section 84203, identify the candidates or measures whose support or opposition is being paid for, in whole or in part, by each late payment.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

#### § 84221. Slate Mailer Organization; Termination.

Slate mailer organizations shall terminate their filing obligations in the same manner as applies to committees qualifying under subdivision (a) of Section 82013.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

#### § 84225. Public Employees' Retirement Board Candidates.

(a) For the purposes of this section only, "board" means the Board of Administration of the Public Employees' Retirement System, as established under Article 1 (commencing with Section 20090) of Chapter 2 of Part 3 of Division 5 of Title 2 of the Government Code.

(b) Except as provided in this section, the provisions of this article do not apply to candidates for the board, including incumbent board members running for reelection, as such candidates are described in subdivision (g) of Section 20090.

(c) Candidates for board seats described in subdivision (g) of Section 20090, including incumbent board members running for reelection, shall file campaign statements with the Secretary of State no later than two days before the beginning of the ballot period, as determined by the board, for the period ending five days before the beginning of the ballot period, and no later than January 10, for the period ending December 31.

(1) The campaign statements shall contain an itemized report that is prepared on a form prescribed by the Commission, with the assistance of the board, that provides the information contained in campaign statements required under Section 84211 to the extent that the information is applicable to a board election.

(2) The original or a campaign statement shall be filed with the Secretary of State and a copy shall be retained at the board's office in Sacramento and is a public record.

History: Added by Stats. 1998, Ch. 923.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18451  
2 Cal. Code of Regs. Section 18452

#### Article 2.5. Campaign Reporting Requirements – LAFCO Proposals.

§ 84250 - 84252

§ 84250. Applicability to LAFCO Proposals.

§ 84251. Payment for Political Purposes.

§ 84252. Campaign Reporting.

§ 84250. Applicability to LAFCO Proposals.

All requirements of this title applicable to a measure, as defined in Section 82043, also apply to a LAFCO proposal, as defined in Section 82035.5, except as set forth in Section 84252.

History: Added by Stats. 2008, Ch. 192.

#### § 84251. Payment for Political Purposes.

A payment made for "political purposes," as that term is used in Sections 82015 and 82025, includes a payment made for the purpose of influencing or attempting to influence the actions of voters or a local agency formation commission for or against the qualification, adoption, or passage of a LAFCO proposal.

History: Added by Stats. 2008, Ch. 192.

#### § 84252. Campaign Reporting.

(a) A committee primarily formed to support or oppose a LAFCO proposal shall file all statements required under this chapter except that, in lieu of the statements required by Sections 84200 and 84202.3, the committee shall file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated pursuant to Section 84214. The committee shall file an original and one copy of each statement on the 15th day of each calendar month, covering the prior calendar month, with the clerk of the county in which the measure may be voted on. If the petition results in a measure that is placed on the ballot, the committee thereafter shall file campaign statements required by this chapter.

(b) In addition to any other statements required by this chapter, a committee that makes independent expenditures in connection with a LAFCO proposal shall file statements pursuant to Section 84203.5.

History: Added by Stats. 2008, Ch. 192.

#### Article 3. Prohibitions.

§ 84300 - 84309

§ 84300. Cash and In-Kind Contributions;

Cash Expenditures.

§ 84301. Contributions Made Under Legal

Name.

§ 84302. Contributions by Intermediary or

Agent.

§ 84303. Expenditure by Agent or

Independent Contractor.

§ 84304. Anonymous Contributions.

§ 84305. Requirements for Mass Mailing.

§ 84305.5. State Mailer Identification and

Disclaimer Requirements.

§ 84305.6. State Mailer Disclosure

Requirements; Official Political

Party Position. [Repealed]

§ 84306. Contributions Received by Agents of

Candidates or Committees.

§ 84307. Commingling with Personal Funds.

§ 84307.5. Fundraising Payments Made to a

Spouse or Domestic Partner.

§ 84308. Contributions to Officers.

Disqualification.

§ 84309. Transmittal of Campaign

Contributions in State Office

Buildings.

§ 84310. Identification Requirements for

Telephone Calls.

#### § 84300. Cash and In-Kind Contributions;

Cash Expenditures.

(a) No contribution of one hundred dollars (\$100) or more shall be made or received in cash.

A cash contribution shall not be deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is returned within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(b) No expenditure of one hundred dollars (\$100) or more shall be made in cash.

(c) No contribution of one hundred dollars (\$100) or more other than an in-kind contribution shall be made unless in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor or the intermediary, as defined in Section 84302.

(d) The value of all in-kind contributions of one hundred dollars (\$100) or more shall be reported in writing to the recipient upon the request in writing of the recipient.

History: Amended by Stats. 1977, Ch. 1213, amended by Stats. 1978, Ch. 650, repealed and reenacted as amended by Stats. 1979, Ch. 779, amended by Stats. 1980, Ch. 759, amended by Stats. 1996, Ch. 898.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

#### § 84301. Contributions Made Under Legal

Name.

No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

§ 84302. Contributions by Intermediary or Agent.

No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

Regulations: 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18421, 2 2 Cal. Code of Regs. Section 18423.5

§ 84303. Expenditure by Agent or Independent Contractor.

No expenditure of five hundred dollars (\$500) or more shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including, but not limited to, an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

History: Amended by Stats. 1984, Ch. 161, amended by Stats. 2000, Ch. 853. Regulations: 2 Cal. Code of Regs. Section 18461 2 Cal. Code of Regs. Section 18421, 2 2 Cal. Code of Regs. Section 18421, 7 2 Cal. Code of Regs. Section 18421, 8 2 Cal. Code of Regs. Section 18431

§ 84304. Anonymous Contributions.

No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but, instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

History: Amended by Stats. 1978, Ch. 650. References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18421, 2

§ 84305. Requirements for Mass Mailing.

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 1116; amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1978, Ch. 1468, effective October 1, 1978; amended by Stats. 1984, Ch. 1368, amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18421, 2 2 Cal. Code of Regs. Section 18435

Opinions: In re Juvenile, Small, Republican, Central Committee of Orange County, Juarez (1976) 2 FPFC Ops. 110 In re Subisgui (1976) 2 FPFC Ops. 73 In re Vaidler (1976) 2 FPFC Ops. 21

§ 84305.5. Slate Mailer Identification and Disclaimer Requirements.

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

- (1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.
- (2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of

one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an \*.

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an \*. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an \*.

The \* required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \* designation applies except that in no case shall the \* be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily

The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \* designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

History: Added by Stats. 1987, Ch. 905, amended by Stats. 1991, Ch. 403, amended by Stats. 1992, Ch. 1143, amended by Stats. 1993, Ch. 472, amended by Stats. 1994, Ch. 923, amended by Stats. 1996, Ch. 893, amended by Proposition 208 of the November 1996 Statewide General Election, Proposition 208 version preliminarily enjoined January 6, 1998; Proposition 208 version preliminarily enjoined March 1, 2001; pre-Proposition 208 version revived by operation of law. On September 20, 2002, the Federal District Court for the Eastern District of California issued a preliminary injunction prohibiting the FPFC from enforcing this subdivision against the slate mail organizations which had sought the injunction; repealed and new section added by Stats. 2004, Ch. 478, effective September 10, 2004.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18229, 1 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18421, 2

§ 84305.6. Slate Mailer Disclosure Requirements; Official Political Party Position. [Repealed]

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], On September 30, 2002, the Federal District Court for the Eastern District of California issued a preliminary injunction prohibiting the FPFC from enforcing this provision against the slate mail organizations which had sought the injunction; repealed by Stats. 2004, Ch. 478, effective September 10, 2004.

§ 84306. Contributions Received by Agents of Candidates or Committees.

All contributions received by a person acting as an agent of a candidate shall be reported promptly to the candidate or any of his or her designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly to the committee's treasurer or any of his or her designated agents. "Promptly" as used in this section means not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18401 2 Cal. Code of Regs. Section 18421, 1

2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18421.3

§ 84307. **Commingling with Personal Funds.**

No contribution shall be commingled with the personal funds of the recipient or any other person.

History: Added by Stats. 1979, Ch. 179.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

§ 84307.5. **Fundraising Payments Made to a Spouse or Domestic Partner.**

A spouse or domestic partner of an elected officer or a candidate for elective office shall not receive compensation from campaign funds held by a controlled committee of the elected officer or candidate for elective office for services rendered in connection with fundraising for the benefit of the elected officer or candidate for elective office.

History: Added by Stats. 2009, Ch. 360.

§ 84308. **Contributions to Officers; Disqualification.**

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempt agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade and land

use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use

§ 84310. **Identification Requirements for Telephone Calls.**

(a) A candidate, committee, or slate mailer organization may not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 or more in number, made by an individual, or individuals, or by electronic means and that advocates support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under this title, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under this title or is the name by which the organization or individual is commonly known, the candidate, committee, or slate mailer organization that paid for the call shall be disclosed. This section shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

(b) Campaign and ballot measure committees are prohibited from contracting with any phone bank vendor that does not disclose the information required to be disclosed by subdivision (a).

(c) A candidate, committee, or slate mailer organization that pays for telephone calls as described in subdivision (a) shall maintain a record of the script of the call for the period of time set forth in Section 84104. If any of the calls qualifying under subdivision (a) were recorded messages, a copy of the recording shall be maintained for that period.

History: Added by Stats. 2006, Ch. 439.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18440

Article 4. **Exemptions.**

§ 84400.

Exemptions.

Notwithstanding any other provision of the law, the Commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

History: Added by Stats. 1977, Ch. 403.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2

shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant in a proceeding involving a license, permit, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

History: Added by Stats. 1982, Ch. 109; amended by Stats. 1984, Ch. 1681, effective September 30, 1984; amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18438.1  
2 Cal. Code of Regs. Section 18438.2  
2 Cal. Code of Regs. Section 18438.3  
2 Cal. Code of Regs. Section 18438.4  
2 Cal. Code of Regs. Section 18438.5  
2 Cal. Code of Regs. Section 18438.6  
2 Cal. Code of Regs. Section 18438.7  
2 Cal. Code of Regs. Section 18438.8

Opinions: Int.C. Council (1983) 8 FPCC Opn. 1

§ 84309. **Transmittal of Campaign Contributions in State Office Buildings.**

(a) No person shall receive or personally deliver or attempt to deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office.

(b) For purposes of this section:

(1) "Personally deliver" means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.

(2) "Receive" includes the receipt of a campaign contribution delivered in person.

History: Added by Stats. 1982, Ch. 920.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401  
2 Cal. Code of Regs. Section 18421.2  
2 Cal. Code of Regs. Section 18439

use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use

Article 5. Advertisements.

§ 84501 - 84511

- § 84501. Advertisement.
- § 84502. Cumulative Contributions.
- § 84503. Disclosure: Advertisement For or Against Ballot Measures.
- § 84504. Identification of Committee.
- § 84505. Avoidance of Disclosure.
- § 84506. Independent Expenditures; Not Authorized by Candidate.
- § 84506.5. Independent Expenditures; Not Authorized by Candidate.
- § 84507. Printed Statement or Broadcast Communication.
- § 84508. Disclosure of One Funding Source on Any Advertisement.
- § 84509. Amended Statements.
- § 84510. Remedies for Article Violations; Civil Action; Fines.
- § 84511. Ballot Measure Ads; Paid Spokesperson Disclosure.

§ 84501. Advertisement.

(a) "Advertisement" means any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or ballot measures.

(b) "Advertisement" does not include a communication from an organization other than a political party to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, or other advertisement as determined by regulations of the Commission.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1
- 2 Cal. Code of Regs. Section 18450.11

§ 84502. Cumulative Contributions.

"Cumulative contributions" means the cumulative amount of contributions received by a committee beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or broadcast station.

History: Added by Proposition 208 of the November 1996 Statewide General Election, amended by State, 2004, Ch. 478, effective September 16, 2004.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2

§ 84503. Avoidance of Disclosure.

In addition to the requirements of Sections 84503, 84504, 84506, and 84506.5, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a major funding source.

History: Added by Proposition 208 of the November 1996 Statewide General Election, amended by State, 2007, Ch. 495.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1

§ 84506. Independent Expenditures;

(a) A broadcast or mass mailing advertisement supporting or opposing a candidate or ballot measure, that is paid for by an independent expenditure, shall include a disclosure statement that identifies both of the following:

(1) The name of the committee making the independent expenditure.

(2) The names of the persons from whom the committee making the independent expenditure has received its two highest cumulative contributions of fifty thousand dollars (\$50,000) or more during the 12-month period prior to the expenditure. If the committee can show, on the basis that contributions are spent in the order they are received, that contributions received from the two highest contributors have been used for expenditures unrelated to the candidate or ballot measure featured in the communication, the committee shall disclose the contributors making the next largest cumulative contributions of fifty thousand dollars (\$50,000) or more.

(b) If an acronym is used to identify any committee names required by this section, the names of any sponsoring organization of the committee shall be printed on print advertisements or spoken in broadcast advertisements.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and new section added by State, 2004, Ch. 478, effective September 10, 2004.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18402
- 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1
- 2 Cal. Code of Regs. Section 18450.3
- 2 Cal. Code of Regs. Section 18450.4
- 2 Cal. Code of Regs. Section 18450.5

§ 84504. Identification of Committee.

(a) Any committee that supports or opposes one or more ballot measures shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of fifty thousand dollars (\$50,000) or more in any reference to the committees required by law, including, but not limited to, its statement of organization filed pursuant to Section 84101.

(b) If the major donors of fifty thousand dollars (\$50,000) or more share a common employer, the identity of the employer shall also be disclosed.

(c) Any committee which supports or opposes a ballot measure, shall print or broadcast its name as provided in this section as part of any advertisement or other paid public statement.

(d) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they shall be identified by the controlling candidate's name.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18402
- 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1
- 2 Cal. Code of Regs. Section 18450.3
- 2 Cal. Code of Regs. Section 18450.4
- 2 Cal. Code of Regs. Section 18450.5

§ 84506.5. Independent Expenditures; Not Authorized by Candidate.

An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate.

History: Added by State, 2007, Ch. 495.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.4

§ 84507. Printed Statement or Broadcast Communication.

Any disclosure statement required by this article shall be printed clearly and legibly in no less than 10-point type and in a conspicuous manner as defined by the Commission or, if the communication is broadcast, the information shall be spoken so as to be clearly audible and understood by the intended public and otherwise appropriately conveyed for the hearing impaired.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1

§ 84508. Disclosure of One Funding Source on Any Advertisement.

If disclosure of two major donors is required by Sections 84503 and 84506, the committee shall be required to disclose, in addition to the committee name, only its highest major contributor in any advertisement which is:

(a) An electronic broadcast of 15 seconds or less,

or

(b) A newspaper, magazine, or other public print media advertisement which is 70 square inches or less.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1

§ 84509. Amended Statements.

When a committee files an amended campaign statement pursuant to Section §1004.5, the committee shall change its advertisements to reflect the changed disclosure information.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18450.1
- 2 Cal. Code of Regs. Section 18450.3

§ 84510. Remedies for Article Violations; Civil Action; Fines.

(d) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000) of this title, any person who violates this article is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.

(e) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this article or who aids and abets any other person in a violation. (f) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the state. In an action brought by a local civil prosecutor, 50 percent shall be deposited in the account of the agency bringing the action and 50 percent shall be paid to the General Fund of the state.

History: Added by Proposition 218 of the November 1996 Statewide General Election.

Reference: at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.2 2 Cal. Code of Regs. Section 18430.1

§ 84511. Ballot Measure Ads; Paid Spokesperson Disclosure.

(a) A committee that makes an expenditure of five thousand dollars (\$5,000) or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a ballot measure shall file a report within 10 days of the expenditure. The report shall identify the measure, the date of the expenditure, the name of the recipient, and the amount expended.

(b) The advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message.

History: Added by Stats. 2000, Ch. 102 [Proposition 34] of the November Statewide General Election; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

Reference: at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117 2 Cal. Code of Regs. Section 18421.2 2 Cal. Code of Regs. Section 18430.1 2 Cal. Code of Regs. Section 18450.11

§ 84600. Online Disclosure.

Chapter 4.6. Online Disclosure. § 84600. Online Disclosure. § 84601. Public Access. § 84602. Secretary of State's Duties. § 84602.1. Secretary of State's Duties; Online Lobbying Registration; Reports to the Legislature.

§ 84602.5. Online Index of Identification Numbers. § 84603. Acceptance of Reports. § 84604. Online Disclosure Program. § 84605. Who Shall File Online. § 84606. Operation of Online System. § 84607. Prohibition Against Political or Campaign Use. § 84609. Candidate and Ballot Measure Committees. § 84610. Appropriation. § 84612. Rejection of Electronic Filing; Procedures.

§ 84600. Online Disclosure. This chapter may be known and may be cited as the Online Disclosure Act. History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 2001, Ch. 917, effective October 14, 2001.

§ 84601. Public Access. The Legislature finds and declares as follows: (a) The people of California enacted one of the nation's most comprehensive campaign and lobbying financial disclosure laws when they voted Proposition 9, the Political Reform Act of 1974, an initiative statute. (b) Public access to campaign and lobbying disclosure information is a vital and integral component of a fully informed electorate. (c) Advances in technology have made it viable for disclosure statements and reports required by the Political Reform Act to be filed online and placed on the Internet, thereby maximizing availability to the public. History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84602. Secretary of State's Duties. To implement the Legislature's intent, the Secretary of State, in consultation with the Commission, notwithstanding any other provision of the Government Code, shall do all of the following: (a) Develop online and electronic filing processes for use by persons and entities specified in Sections 84604 and 84605 that are required to file statements and reports with the Secretary of State's office pursuant to Chapter 4 (commencing with Section 84100) and Chapter 6 (commencing with Section 86100). Those processes shall each enable a user to comply with all the disclosure requirements of this title and shall include, at a minimum, the following: (1) A means or method whereby filers subject to this chapter may submit required filings free of charge. Any means or method developed pursuant to this provision shall not provide any additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill the disclosure provisions of this title. At least one means or method shall be made available no later than December 31, 2002. (2) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in subdivision (a) of Section 84604 and Section 84605 and that conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings prior to development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with the requirements of this chapter. (b) Accept test files from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to subdivision (a) and is compatible with the Secretary of State's system for receiving the data. A list of software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter. (c) Develop a system that provides for the online or electronic transfer of the data specified in this section utilizing telecommunications technology that assures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data. (d) Make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. All late contribution and late independent expenditure reports, as defined by Sections 84203 and

84204, respectively, shall be made available on the Internet within 24 hours of receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this title. (e) Develop a procedure for filers to comply with the requirement that they sign under penalty of perjury pursuant to Section 81004. (f) Maintain all filed data online for 10 years after the date it is filed, and then archive the information in a secure format. (g) Provide assistance to those seeking public access to the information. (h) Implement sufficient technology to seek to prevent unauthorized alteration or manipulation of the data. (i) Provide the commission with necessary information to enable it to assist agencies, public officials, and others, with the compliance and with administration of this title. (j) Report to the Legislature on the implementation and development of the online and electronic filing and disclosure requirements of this chapter. The report shall include an examination of system security, private security issues, software availability, compliance costs to filers, use of the filing system and software provided by the Secretary of State, and other issues relating to this chapter, and shall recommend appropriate changes if necessary. In preparing the report, the commission may present to the Secretary of State and the Legislature its comments regarding this chapter as it relates to the duties of the commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, one report due no later than June 1, 2002, and one report due no later than January 31, 2003. (k) Review the current filing and disclosure requirements of this chapter and report to the Legislature, no later than June 1, 2005, recommendations on revising these requirements so as to promote greater reliance on electronic and online submissions. History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; amended by Stats. 2000, Ch. 319; amended by Stats. 2001, Ch. 917, effective October 14, 2001; amended by Stats. 2004, Ch. 816; amended by Stats. 2005, Ch. 22.

§ 84602.1. Secretary of State's Duties; Online Lobbying Registration; Reports to the Legislature.

History: Added by Stats. 2006, Ch. 69, set to be effective July 12, 2006, but void due to lack of compliance with section 81012.

§ 84602.5. Online Index of Identification Numbers.

The Secretary of State shall disclose online pursuant to this chapter an index of the identification numbers, as assigned pursuant to subdivision (a) of Section 84101, of every person, entity, or committee that is obligated to make a disclosure pursuant to Chapter 4. This index shall be updated monthly except for the six-week period preceding any statewide regular or special election, during which period the index shall be updated weekly.

History: Added by Stats. 1997, Ch. 308.

§ 84603. Acceptance of Reports.

The Secretary of State, once all state-mandated development, procurement, and oversight requirements have been met, shall make public their availability to accept reports online or electronically. Any filer may then commence voluntarily filing online or electronically any required report or statement that is otherwise required to be filed with the Secretary of State pursuant to Chapter 4 (commencing with Section 84100) or Chapter 6 (commencing with Section 86100) of this title.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999.

§ 84604. Online Disclosure Program.

(a) The Secretary of State shall implement an online or electronic disclosure program in connection with the 2000 state primary election and the lobbying activities specified in paragraph (4). Entities specified in paragraphs (1), (2), and (3) shall commence online or electronic disclosure with the first pre-election statement filed in connection with the 2000 statewide direct primary election for the period ending January 22, 2000, and shall continue to disclose online or electronically all required reports and statements up to and including the semiannual statement for the period ending June 30, 2000. Entities specified in paragraph (4) shall commence online or electronic disclosure with the quarterly report for the period ending March 31, 2000, and shall continue to disclose online or electronically all required reports and statements up to and including the quarterly report for the period ending June 30, 2000. The entities subject to this section are the following:

- (1) Any candidate, including appellate court and Supreme Court candidates and officeholders, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective office or state measure appearing on the 2000 statewide direct

primary ballot, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is one hundred thousand dollars (\$100,000) or more. For the purpose of cumulating totals, the period covered shall commence with January 1, 1999.

(2) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section 85203, that cumulatively receive contributions or make expenditures totaling one hundred thousand dollars (\$100,000) or more to support or oppose candidates for any elective state office or state measure appearing on the 2000 statewide direct primary ballot. For the purpose of cumulating totals, the period covered shall commence January 1, 1999.

(3) Any state mailer organization with cumulative reportable payments received or made for the purposes of producing state mailers of one hundred thousand dollars (\$100,000) or more in connection with the 2000 statewide direct primary election. For the purpose of cumulating totals, the period covered shall commence January 1, 1999.

(4) Any lobbyist, lobbying firm, lobbyist employer, or other persons required, pursuant to Chapter 6 (commencing with Section 86100), to file statements, reports, or other documents, provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is one hundred thousand dollars (\$100,000) or more in a calendar quarter.

(b) Filers specified in subdivision (a) shall also continue to file required disclosure forms in paper format. The paper copy shall continue to be the official version for audit and other legal purposes. Committees and other persons that are not required to file online or electronically by this section may do so voluntarily.

(c) The Secretary of State shall also disclose on the Internet any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204, respectively, not covered by subdivision (a).

(d) It shall be presumed that online or electronic filers file under penalty of perjury.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999.

§ 84605. Who Shall File Online.

Beginning on July 1, 2000, and for all applicable reporting periods thereafter, the following persons shall file online or electronically with the Secretary of State:

(a) Any candidate, including appellate court and Supreme Court candidates and officeholders, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective office or state measure, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is fifty thousand dollars (\$50,000) or more. In determining the cumulative reportable amount, all controlled committees, as defined by Section 82016, shall be included. For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that is first subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title. A committee, as defined in subdivision (c) of Section 82013, shall file online or electronically, if it makes contributions of fifty thousand dollars (\$50,000) or more in a calendar year.

(b) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section 85203, that cumulatively receive contributions or make expenditures totaling fifty thousand dollars (\$50,000) or more to support or oppose candidates for any elective state office or state measure. For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that is first subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title.

(c) Any state mailer organization with cumulative reportable payments received or made for the purposes of producing state mailers of fifty thousand dollars (\$50,000) or more. For a state mailer organization subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a state mailer organization that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title.

(d) Any lobbyist, lobbying firm, lobbyist employer or other persons required, pursuant to Chapter 6 (commencing with Section 86100), to file statements, reports, or other documents, provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is five thousand dollars (\$5,000) or more in a calendar quarter.

(e) The Secretary of State shall also disclose on the Internet any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204, respectively, not covered by subdivision (a), (b), or (c).

(f) Committees and other persons that are not required to file online or electronically by this section may do so voluntarily.

(g) Once a person or entity is required to file online or electronically, subject to subdivision (a), (b), (c), (d), or (f), the person or entity shall be required to file all subsequent reports online or electronically.

(h) It shall be presumed that online or electronic filers file under penalty of perjury.

(i) Persons filing online or electronically shall also continue to file required disclosure statements and reports in paper format. The paper copy shall continue to be the official filing for audit and other legal purposes until the Secretary of State, pursuant to Section 84606, determines the system is operating securely and effectively.

(j) The Secretary of State shall maintain at all times a secured, official version of all original online and electronically filed statements and reports required by this chapter. Upon determination by the Secretary of State, pursuant to Section 84606, that the system is operating securely and effectively, this online or electronic version shall be the official version for audit and other legal purposes.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; amended by Stats. 2007, Ch. 348.

Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18450.11

2 Cal. Code of Regs. Section 18463

2 Cal. Code of Regs. Section 18465.1

§ 84606. Operation of Online System.

The Secretary of State shall determine and publicly disclose when the online and electronic disclosure systems are operating effectively. In making this determination, the Secretary of State shall consult with the Commission, the Department of Information Technology, and any other appropriate public or private entity. The online or electronic disclosure system shall not become operative until the Department of Information Technology approves the system. Upon this determination, filers required by this chapter to file online or electronically will no longer be required to file a paper copy or with local filing officers. Furthermore, the date that a filer transmits an online or electronic report shall be the date the filed report is received by the Secretary of State.

§ 84607.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999.

§ 84607. Prohibition Against Political or Campaign Use.

Pursuant to Section 8314, no employee or official of a state or local government agency shall utilize, for political or campaign purposes, public facilities or resources to retrieve or maintain any of the data produced by the requirements of this chapter.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84609. Candidate and Ballot Measure Committees.

All candidates and ballot measure committees who are required pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a statewide elective office or state measure appearing on the November 1998 ballot shall provide at the time of filing, in addition to a paper submission, a copy of the required report on computer disk in either an ASCII or PDF format with documentation detailing the field layout or file structure. Filers who submit computer disks which are not readable, cannot be copied, or do not have documentation have not complied with the requirements of this section. Candidate and measure committees who make their report available on the Internet through the Secretary of State's office are not required to file the report on computer disk. The Secretary of State shall make copies available to the public, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. The Secretary of State shall also disclose online, any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204 respectively, filed in connection with any elective state office or ballot measure appearing on the November 1998 ballot.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84610. Appropriation.

There is hereby appropriated from the General Fund of the state to the Secretary of State the sum of one million one hundred thousand dollars (\$1,100,000) for the purposes of developing the online and electronic disclosure systems provided by this chapter and reimbursing local agencies for any costs they incur in the development of these systems.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999.

§ 85101.

§ 84612. Rejection of Electronic Filings; Procedures.

If the Secretary of State rejects a filing made under this chapter, the Secretary of State shall immediately notify the filer, by electronic mail, of the reason or reasons for rejection using plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The notice shall be written or displayed so that the meaning will be easily understood by those persons directly affected by it.

History: Added by Stats. 2001, Ch. 79.

Chapter 5. Limitations on Contributions.

§ 85100 - 85902

- Article 1. Title of Chapter. § 85100 - 85104
- 2. Candidacy. § 85200 - 85201
- 2.5. Applicability of the Political Reform Act of 1974. § 85202 - 85206
- 3. Contribution Limitations. § 85300 - 85321
- 4. Voluntary Expenditure Ceilings. § 85400 - 85404
- 5. Independent Expenditures. § 85500 - 85505
- 6. Ballot Pamphlet. § 85600 - 85602
- 7. Additional Contribution Requirements. § 85700 - 85706
- 8. Appropriation. § 85802

Article 1. Title of Chapter.

§ 85100 - 85104

- § 85100. Chapter Title.
- § 85101. Effect on Local Ordinances. [Repealed]
- § 85102. Terms of Amendment or Repeal of Chapter. [Repealed]
- § 85103. Amendment or Repeal of Chapter. [Repealed]
- § 85104. Operative Date. [Repealed]

§ 85100. Chapter Title.

This chapter shall be known as the "Campaign Contribution and Voluntary Expenditure Limits Without Taxpayer Financing Amendments to the Political Reform Act of 1974."

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102, Proposition 34 of the November Statewide General Election.

§ 85101. Effect on Local Ordinances. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled November 1996 Statewide General Election.)

§ 85102.

"Findings and Declarations" 1, repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85102. Terms Used in Chapter 5. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1994, Ch. 1016, repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Purpose of This Law"; repealed by Stats. 2000, Ch. 102, Proposition 34 of the November Statewide General Election.)

§ 85103. Amendment or Repeal of Chapter. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85104. Operative Date. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed by Stats. 1991, Ch. 102 [Proposition 34 of the November Statewide General Election].

Article 2. Candidacy.

§ 85200 - 85201

- § 85200. Statement of Intention to be a Candidate.
- § 85201. Campaign Bank Account.

§ 85200. Statement of Intention to be a Candidate.

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective state office, pursuant to Section 831024, shall file with the Secretary of State an original statement, signed under penalty of perjury, of intention to be a candidate for a specific office.

An individual who intends to be a candidate for any other elective office shall file the statement of intention with the same filing officer and in the same location as the individual would file an original campaign statement pursuant to subdivisions (c), (d), and (e) of Section 84215.

For purposes of this section, "contribution" and "loan" do not include any payments from the candidate's personal funds for a candidate filing fee or a candidate statement of qualifications fee.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1991, Ch. 1078; amended by Stats. 1996, Ch. 394, amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18520  
2 Cal. Code of Regs. Section 18521  
2 Cal. Code of Regs. Section 18521.5  
2 Cal. Code of Regs. Section 18523  
2 Cal. Code of Regs. Section 18524  
2 Cal. Code of Regs. Section 18525  
2 Cal. Code of Regs. Section 18526  
2 Cal. Code of Regs. Section 18531.5  
2 Cal. Code of Regs. Section 18536  
2 Cal. Code of Regs. Section 18537.1  
2 Cal. Code of Regs. Section 18542

§ 85201.

§ 85201. Campaign Bank Account.

(a) Upon the filing of the statement of intention pursuant to Section 85200, the individual shall establish one campaign contribution account at an office of a financial institution located in the state.

(b) As required by subdivision (f) of Section 84102, a candidate who raises contributions of one thousand dollars (\$1,000) or more in a calendar year shall set forth the name and address of the financial institution where the candidate has established a campaign contribution account and the account number on the committee statement of organization filed pursuant to Sections 84101 and 84103.

(c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account.

(d) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.

(e) All campaign expenditures shall be made from the account.

(f) Subdivisions (d) and (e) do not apply to a candidate's payment for a filing fee and statement of qualifications from his or her personal funds.

(g) This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal funds of less than one thousand dollars (\$1,000) in a calendar year to support his or her candidacy. For purposes of this section, a candidate's payment for a filing fee and statement of qualifications shall not be included in calculating the total expenditures made.

(h) An individual who raises contributions from others for his or her campaign, but who raises or spends less than one thousand dollars (\$1,000) in a calendar year, and does not qualify as a committee under Section 82013, shall establish a campaign contribution account pursuant to subdivision (a), but is not required to file a committee statement of organization pursuant to Section 84101 or other statement of bank account information.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1996, Ch. 249, amended by Stats. 1997, Ch. 394; amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18520  
2 Cal. Code of Regs. Section 18521  
2 Cal. Code of Regs. Section 18521.5  
2 Cal. Code of Regs. Section 18523  
2 Cal. Code of Regs. Section 18524  
2 Cal. Code of Regs. Section 18525  
2 Cal. Code of Regs. Section 18526  
2 Cal. Code of Regs. Section 18531.5  
2 Cal. Code of Regs. Section 18536  
2 Cal. Code of Regs. Section 18537.1  
2 Cal. Code of Regs. Section 18542





2 Cal. Code of Regs. Section 18530.4  
 2 Cal. Code of Regs. Section 18531  
 2 Cal. Code of Regs. Section 18531.5  
 2 Cal. Code of Regs. Section 18531.6  
 2 Cal. Code of Regs. Section 18537  
 2 Cal. Code of Regs. Section 18544  
 2 Cal. Code of Regs. Section 18545

**§ 85303. Limits on Contributions to Committees and Political Parties.**

(a) A person may not make to any committee, other than a political party committee, and a committee other than a political party committee, and a committee any contribution totaling more than five thousand dollars (\$5,000) per calendar year for the purpose of making contributions to candidates for elective state office.

(b) A person may not make to any political party committee, and a political party committee may not accept, any contribution totaling more than twenty-five thousand dollars (\$25,000) per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office. Notwithstanding Section 85312, this limit applies to contributions made to a political party used for the purpose of making expenditures at the behest of a candidate for elective state office for communications to party members related to the candidate's candidacy for elective state office.

(c) Except as provided in Section 85310, nothing in this chapter shall limit a person's contributions to a committee or political party committee provided the contributions are used for purposes other than making contributions to candidates for elective state office.

(d) Nothing in this chapter limits a candidate for elective state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate's expenses for election related activities or holding office to a political party committee, provided those transferred contributions are used for purposes consistent with paragraph (4) of subdivision (b) of Section 89519.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Contributions by Committees to Candidates"); repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18521.5  
 2 Cal. Code of Regs. Section 18530.3  
 2 Cal. Code of Regs. Section 18530.4  
 2 Cal. Code of Regs. Section 18531  
 2 Cal. Code of Regs. Section 18531.61

2 Cal. Code of Regs. Section 18533  
 2 Cal. Code of Regs. Section 18534  
 2 Cal. Code of Regs. Section 18537  
 2 Cal. Code of Regs. Section 18544  
 2 Cal. Code of Regs. Section 18545

**§ 85304. Legal Defense Fund.**

(a) A candidate for elective state office or an elected state officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney fees and other related legal costs.

(b) A candidate may receive contributions to this account that are not subject to the contribution limits set forth in this article. However, all contributions shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Prohibition on Transfers"; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Limitations on Contributions from Political Parties"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18530.4  
 2 Cal. Code of Regs. Section 18530.45  
 2 Cal. Code of Regs. Section 18537

Opinions: In re: Peltam (2001) 15 FPPC Ops. 1

**§ 85304.L5. Legal Defense Fund; Local Candidates and Elected Officeholders.**

(a) A candidate for elective office other than an elective state officer or an elected officer other than an elected state officer may establish a separate account pursuant to subdivision (a) of Section 85304 and may use these funds only to defray attorney's fees and other related legal costs.

(b) A candidate for an elective office other than an elective state officer may receive contributions to the separate account subject to any limitations provided by local ordinance. However, all contributions to these separate accounts shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate or elected officer shall dispose of any funds remaining in the separate accounts after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

History: Added by Stats. 2007, Ch. 283.

Regulation: 2 Cal. Code of Regs. Section 18530.45

**§ 85305. Restrictions on Contributions by Candidates.**

A candidate for elective state office or committee controlled by that candidate may not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Contribution Limitations on Candidates"; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Restrictions on When Contributions Can be Received"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18530.4  
 2 Cal. Code of Regs. Section 18535  
 2 Cal. Code of Regs. Section 18536  
 2 Cal. Code of Regs. Section 18537

**§ 85306. Transfers Between a Candidate's Own Committees; Use of Funds Raised Prior to Effective Date.**

(a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Use of Campaign Funds Effective Date"; repealed and added by Proposition 208 of the November 1996

Statewide General Election. (Formerly titled "Transfers"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18530.2  
 2 Cal. Code of Regs. Section 18530.4  
 2 Cal. Code of Regs. Section 18531.6  
 2 Cal. Code of Regs. Section 18536  
 2 Cal. Code of Regs. Section 18537  
 2 Cal. Code of Regs. Section 18537.1

**§ 85307. Loans.**

(a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state office may not personally loan to his or her campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate may not charge interest on any loan he or she made to his or her campaign.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Loans; Contributions"; repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2004, Ch. 815, effective September 27, 2004.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18530.7  
 2 Cal. Code of Regs. Section 18530.8  
 2 Cal. Code of Regs. Section 18537

**§ 85308. Family Contributions.**

(a) Contributions made by a husband and wife may not be aggregated.

(b) A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18537  
 Opinions: In re: Peltam (2001) 15 FPPC Ops. 1

**§ 85309. Online Disclosure of Contributions.**

(a) In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant to Section 84605 shall

file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

(b) In addition to any other report required by this title, any committee primarily formed to support or oppose one or more state ballot measures that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

(c) In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars (\$5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution.

(d) In addition to any other report required by this title, a committee primarily formed to support or oppose a state ballot measure that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars (\$5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Aggregate Contributions from Non-individuals"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18537
- 2 Cal. Code of Regs. Section 18539

**§ 85310. Communications Identifying State Candidates.**

(a) Any person who makes a payment or a promise of payment totaling fifty thousand dollars (\$50,000) or more for a communication that clearly identifies a candidate for elective state office, but does

(c) If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(d) Contributions made by entities that are majority owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Aggregation of Financial Activity"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18428
- 2 Cal. Code of Regs. Section 18537

Opinions:

In re Kahn (1976) 2 FPCC Ops. 151

In re Lammiman (1976) 2 FPCC Ops. 140

**§ 85312. Communications to Members of an Organization.**

For purposes of this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However, payments made by a political party for communications to its members who are registered with that party which would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Communications Within an Organization"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18215
- 2 Cal. Code of Regs. Section 18531.7
- 2 Cal. Code of Regs. Section 18537

Opinions: In re Olson (2001) 15 FPCC Ops. 13

**§ 85313. Offshore Account. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85314. Special Elections and Special Runoff Elections as Separate Elections.**

The contribution limits of this chapter apply to special elections and apply to special runoff elections. A special election and a special runoff election are separate elections for purposes of the contribution and voluntary expenditure limits set forth in this chapter.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18421.4
- 2 Cal. Code of Regs. Section 18537

**§ 85315. Elected State Officer Recall Committees.**

(a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18531.5
- 2 Cal. Code of Regs. Section 18537

**§ 85316. Post-Election Fundraising.**

(a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the

contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the offices sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

History: Added by Stats. 2000, Ch. 102 [Proposition 34] of the November Statewide General Election; amended by Stats. 2006, Ch. 624, effective September 29, 2006; amended by Stats. 2007, Ch. 130.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18331.6

2 Cal. Code of Regs. Section 18331.61  
2 Cal. Code of Regs. Section 18331.62  
2 Cal. Code of Regs. Section 18337  
2 Cal. Code of Regs. Section 18337.1  
2 Cal. Code of Regs. Section 18344  
2 Cal. Code of Regs. Section 18345

§ 85317. Carry Over of Contributions.  
Notwithstanding subdivision (a) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.

History: Added by Stats. 2000, Ch. 102 [Proposition 34] of the November Statewide General Election; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18331.6  
2 Cal. Code of Regs. Section 18331.61  
2 Cal. Code of Regs. Section 18337  
2 Cal. Code of Regs. Section 18337.1

§ 85318. Contributions Received for Primary and General Elections.

A candidate for elective state office may raise contributions for a general election prior to the primary election, and for a special general election prior to a special primary election, for the same elective state office, if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

History: Added by Stats. 2000, Ch. 102 [Proposition 34] of the November Statewide General Election; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18321  
2 Cal. Code of Regs. Section 18331.2  
2 Cal. Code of Regs. Section 18331.61  
2 Cal. Code of Regs. Section 18336  
2 Cal. Code of Regs. Section 18337

§ 85319. Returning Contributions.

A candidate for state elective office may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned, except a contribution that the candidate made for state elective office to his or her own controlled committee.

History: Added by Stats. 2000, Ch. 102 [Proposition 34] of the November Statewide General Election; amended by Stats. 2002, Ch. 212.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18337

§ 85320. Foreign Entities.

(a) No foreign government or foreign principal shall make, directly or through any other person, any contribution, expenditure, or independent expenditure in connection with the qualification or support of, or opposition to, any state or local ballot measure.

(b) No person and no committee shall solicit or accept a contribution from a foreign government or foreign principal in connection with the qualification or support of, or opposition to, any state or local ballot measure.

(c) For the purposes of this section, a "foreign principal" includes the following:

- (1) A foreign political party.
- (2) A person outside the United States, unless either of the following is established:

(A) The person is an individual and a citizen of the United States.

(B) The person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.

(3) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

(4) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is neither a citizen of the United States nor a lawfully admitted permanent resident of the United States.

(d) This section shall not prohibit a contribution, expenditure, or independent expenditure made by a lawfully admitted permanent resident.

(e) Any person who violates this section shall be guilty of a misdemeanor and shall be fined an amount equal to the amount contributed or expended.

History: Added by Stats. 1997, Ch. 67, amended by Stats. 2000, Ch. 349.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18337

§ 85321. Post-Election Fundraising: Elections Held Prior to January 1, 2001.

Notwithstanding any other provision of this chapter, if a candidate for elective state office or the candidate's controlled committee had net debts resulting from an election held prior to January 1, 2001, contributions to that candidate or committee for that election are not subject to the limits of Sections 85301 and 85302.

History: Added by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18331.6  
2 Cal. Code of Regs. Section 18331.61  
2 Cal. Code of Regs. Section 18337

Article 4. Voluntary Expenditure Ceilings.

§ 85400 - 85404

§ 85400. Voluntary Expenditure Ceilings.  
Candidate Acceptance or Rejection of Expenditure Ceilings.

§ 85402. Lifting Expenditure Limits.

§ 85403. Opponent's Use of Personal Funds.

§ 85404. Expenditure Ceiling Lifted.  
[Repealed]

§ 85400. Voluntary Expenditure Ceilings.

(a) A candidate for elective state office, other than the Board of Administration of the Public Employees Retirement System, who voluntarily accepts expenditure limits may not make campaign expenditures in excess of the following:

(1) For an Assembly candidate, four hundred thousand dollars (\$400,000) in the primary or special primary election and seven hundred thousand dollars (\$700,000) in the general or special general election.

(2) For a Senate candidate, six hundred thousand dollars (\$600,000) in the primary or special primary election and nine hundred thousand dollars (\$900,000) in the general or special general election.

(3) For a candidate for the State Board of Equalization, one million dollars (\$1,000,000) in the primary election and one million five hundred thousand dollars (\$1,500,000) in the general election.

(4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars (\$4,000,000) in the primary election and six million dollars (\$6,000,000) in the general election.

(5) For a candidate for Governor, six million dollars (\$6,000,000) in the primary election and ten million dollars (\$10,000,000) in the general election.

(b) For purposes of this section, "campaign expenditures" has the same meaning as "election-related activities" as defined in clauses (i) to (vi), inclusive, and clause (viii) of subparagraph (C) of paragraph (2) of subdivision (b) of Section 8201.5.

(c) A campaign expenditure made by a political party on behalf of a candidate may not be attributed to the limitations on campaign expenditures set forth in this section.

*History:* Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled "Limitations on Gifts and Honors"); repealed by Stats. 1990, Ch. 84, added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

*References at the time of publication (see page 3):*  
 Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18540  
 2 Cal. Code of Regs. Section 18542  
 2 Cal. Code of Regs. Section 18543  
 2 Cal. Code of Regs. Section 18544  
 2 Cal. Code of Regs. Section 18545

**§ 85401. Candidate Acceptance or Rejection of Expenditure Ceilings.**

(a) Each candidate for elective state office shall file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 85400 at the time he or she files the statement of intention specified in Section 85200.

(b) A candidate may, until the deadline for filing nomination papers set forth in Section 8020 of the Elections Code, change his or her statement of acceptance or rejection of voluntary expenditure limits provided he or she has not exceeded the voluntary expenditure limits. A candidate may not change his or her statement of acceptance or rejection of voluntary expenditure limits more than twice after the candidate's initial filing of the statement of intention for that election and office.

(c) Any candidate for elective state office who declined to accept the voluntary expenditure limits but who nevertheless does not exceed the limits in the primary, special primary, or special election, may file a statement of acceptance of the expenditure limits for a general or special runoff election within 14 days following the primary, special primary, or special election.

(d) Notwithstanding Section 81004.5 or any other provision of this title, a candidate may not change his or her statement of acceptance or rejection of

voluntary expenditure limits other than as provided for by this section and Section 85402.

*History:* Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2004, Ch. 9, effective January 22, 2004; amended by Stats. 2004, Ch. 207.

*References at the time of publication (see page 3):*  
 Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18542

**§ 85402. Lifting Expenditure Limits; Opponent's Use of Personal Funds.**

(a) Any candidate for elective state office who has filed a statement accepting the voluntary expenditure limits is not bound by those limits if an opposing candidate contributes personal funds to his or her own campaign in excess of the limits set forth in Section 85400.

(b) The commission shall require by regulation timely notification by candidates for elective state office who make personal contributions to their own campaign.

*History:* Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Contribution Limits for Candidates Accepting Expenditure Ceilings"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

*References at the time of publication (see page 3):*  
 Regulations: 2 Cal. Code of Regs. Section 18421.4  
 2 Cal. Code of Regs. Section 18540  
 2 Cal. Code of Regs. Section 18542  
 2 Cal. Code of Regs. Section 18543

**§ 85403. Violations of Voluntary Expenditure Limits.**

Any candidate who files a statement of acceptance pursuant to Section 85401 and makes campaign expenditures in excess of the limits shall be subject to the remedies in Chapter 3 (commencing with Section 83100) and Chapter 11 (commencing with Section 91000).

*History:* Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Time Periods for Expenditures"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

*References at the time of publication (see page 3):*  
 Regulations: 2 Cal. Code of Regs. Section 18421.4

**§ 85404. Expenditure Ceiling Lifted. [Repealed]**

*History:* Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Time Periods for Expenditures"); repealed by Stats. 2004, Ch. 102 [Proposition 34 of the November Statewide General Election].

**Article 5. Independent Expenditures.**

**§ 85500-85505**

**§ 85500. Independent Expenditures; 24-Hour Disclosure; Coordination.**

§ 85501. Prohibition on Candidate Expenditures by Independent Controlled Committees.

§ 85505. Internet Display of Independent Expenditures; 24-Hour Disclosure Report.

**§ 85500. Independent Expenditures; 24-Hour Disclosure; Coordination.**

(a) In addition to any other report required by this title, a committee, including a political party committee, that is required to file reports pursuant to Section 84605 and that makes independent expenditures of one thousand dollars (\$1,000) or more during an election cycle in connection with a candidate for elective state office or state ballot measure, shall file online or electronically a report with the Secretary of State disclosing the making of the independent expenditure. This report shall disclose the same information required by subdivision (b) of Section 84204 and shall be filed within 24 hours of the time the independent expenditure is made.

(b) An expenditure may not be considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure is made, if the expenditure is made under any of the following circumstances:

(1) The expenditure is made with the cooperation of, or in consultation with, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate.

(2) The expenditure is made in concert with, or at the request or suggestion of, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate.

(3) The expenditure is made under any arrangement, coordination, or direction with respect to the candidate or the candidate's agent and the person making the expenditure.

*History:* Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Independent Expenditures"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

*References at the time of publication (see page 3):*  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18413

2 Cal. Code of Regs. Section 18530  
 2 Cal. Code of Regs. Section 18530.1

**§ 85501. Prohibition on Independent Expenditures by Candidate Controlled Committees.**

A controlled committee of a candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures to support or oppose other candidates.

*History:* Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

*References at the time of publication (see page 3):*  
 Opinions: In re Si. Cont. (2005) 18 FPCC Ops. 1

**§ 85505. Internet Display of Independent Expenditures; 24-Hour Disclosure Report.**

(a) The Secretary of State shall include on the Internet Web site of the Secretary of State's office, as part of the campaign finance activity that is publicly disclosed, any independent expenditure, as defined in Section 82031, that is reported pursuant to Section 85500 with respect to a candidate for elective state office and a statewide ballot measure. This information shall be linked to the part of the Web site that the Secretary of State maintains concerning that candidate or ballot measure.

(b) It is the intent of the Legislature that all forms created for the purpose of filing the online or electronic report required pursuant to Section 85500 include a separate field for the filer to input the legislative district number and the number or letter of a statewide ballot measure.

*History:* Added by Stats. 2002, Ch. 511.

**Article 6. Ballot Pamphlet.**

**§ 85600-85602**

**§ 85600. Ballot Pamphlet Designation.**

§ 85601. Candidate Access to Ballot Pamphlet Statement.

§ 85602. Notification to Voters [Repealed]

*History:* The Secretary of State shall designate in the state ballot pamphlet those candidates for statewide elective office, as defined in Section 82053, who have voluntarily agreed to the expenditure limitations set forth in Section 85400. Local elections officers shall designate in the voter information portion of the sample ballot those candidates for State Senate and Assembly who have voluntarily agreed to the expenditure limitations set forth in Section 85400.

*History:* Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Candidate Access to

State Ballot Pamphlet"; repealed and added by Stats. 2000, Ch. 102, Proposition 34 of the November Statewide General Election, amended by Stats. 2001, Ch. 241, effective September 4, 2001.

**§ 85601. Candidate Access to Ballot Pamphlet Statement.**

(a) A candidate for statewide elective office, as defined in Section 82053, who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlets.

(b) Notwithstanding subdivision (e) of Section 88001 of this code or subdivision (e) of Section 9084 of the Elections Code, on and after November 6, 2002, the Secretary of State may not include in the state ballot pamphlet a statement from a candidate who has not voluntarily agreed to the expenditure limitations set forth in Section 85400.

(c) A candidate for State Senate or Assembly who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement in the voter information portion of the sample ballot that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with the timeframes and procedures set forth in the Elections Code for the preparation of the voter information portion of the sample ballot.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Candidate Access to Local Sample Ballot Materials"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

**§ 85602. Notification to Voters. [Repealed]**  
History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**Article 7. Additional Contribution Requirements. § 85700-85706**

**§ 85700. Donor Information Requirements.**  
Return of Contributions.

(a) A candidate or committee shall return not later than 60 days of receipt by the candidate or committee any contribution of one hundred dollars (\$100) or more for which the candidate or committee does not have on file in the records of the candidate or committee the name, address, occupation, and employer of the contributor.

(b) A candidate or committee may return a contribution pursuant to subdivision (a) after the date that the candidate or committee has reported the contribution under any provision of this title.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Disclosure of Occupation and Employer"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18401  
Opinions: In re Felham (2001) 15 PPPC Op. 1

**§ 85701. Laundered Contributions.**

Any candidate or committee that receives a contribution in violation of Section 84301 shall pay to the General Fund of the state the amount of the contribution.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Receipt of Laundered Contributions"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]).  
References at the time of publication (see page 3):  
Opinions: In re Felham (2001) 15 PPPC Op. 1

**§ 85702. Contributions from Lobbyists.**

An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Bundling of Contributions"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 1872

**§ 85703. Local Jurisdictions.**

(a) Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that

**§ 85700. Donor Information Requirements; Return of Contributions.**

(a) A candidate or committee shall return not later than 60 days of receipt by the candidate or committee any contribution of one hundred dollars (\$100) or more for which the candidate or committee does not have on file in the records of the candidate or committee the name, address, occupation, and employer of the contributor.

(b) A candidate or committee may return a contribution pursuant to subdivision (a) after the date that the candidate or committee has reported the contribution under any provision of this title.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Disclosure of Occupation and Employer"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18401  
Opinions: In re Felham (2001) 15 PPPC Op. 1

**§ 85701. Laundered Contributions.**

Any candidate or committee that receives a contribution in violation of Section 84301 shall pay to the General Fund of the state the amount of the contribution.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Receipt of Laundered Contributions"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]).  
References at the time of publication (see page 3):  
Opinions: In re Felham (2001) 15 PPPC Op. 1

**§ 85702. Contributions from Lobbyists.**

An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Bundling of Contributions"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 1872

**§ 85703. Local Jurisdictions.**

(a) Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that

these limitations and prohibitions may not conflict with the provisions of Section 85312.

(b) Limitations and prohibitions imposed by a local jurisdiction on payments for a member communication, as defined in subdivision (c), that conflict with Section 85312 and which are thereby prohibited by subdivision (a) include, but are not limited to, any of the following:

(1) Source restrictions on payments for member communications that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(2) Limitations on payments to a political party committee for a member communication that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(3) Limitations on the scope of payments considered directly related to the making of a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(c) For purposes of this section, "member communication" means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to its members who are registered with that party.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Earmarking of Contributions Prohibited"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2007, Ch. 708.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18331.7

**§ 85704. Prohibition on Earmarking.**

A person may not make any contribution to a committee on the condition or with the agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed pursuant to Section 84302.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Contributions from Lobbyists"; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]).

**§ 85705. Contributions from Governmental Employees. [Repealed]**  
History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85706. Local Jurisdictions. [Repealed]**  
History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**Article 8. Appropriation. § 85802**

**§ 85802. Appropriation to the Fair Political Practices Commission.**

**§ 85802. Appropriation to the Fair Political Practices Commission.**  
There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) annually above and beyond the appropriations established for the Commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the Commission pursuant to this act. If any provision of this act is successfully challenged, any attorney's fees and costs shall be paid from the General Fund and the Commission's budget shall not be reduced accordingly.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

**Chapter 6. Lobbyists. § 86100 - 86300**

**Article 1. Registration and Reporting. § 86100 - 86118**

**§ 86100. Registration.**

**§ 86101. Registration; Time.**

**§ 86102. Registration Fees.**

**§ 86103. Lobbyist Certification; Requirements.**

**§ 86104. Lobbying Firm; Registration Requirements.**

**§ 86105. Lobbyist Employer; Registration Requirements.**

**§ 86106. Renewal of Registration.**

**§ 86107. Registration Statement; Amendment; Termination.**

**Article 1. Registration and Reporting. § 86100 - 86118**

**§ 86100. Registration.**

**§ 86101. Registration; Time.**

**§ 86102. Registration Fees.**

**§ 86103. Lobbyist Certification; Requirements.**

**§ 86104. Lobbying Firm; Registration Requirements.**

**§ 86105. Lobbyist Employer; Registration Requirements.**

**§ 86106. Renewal of Registration.**

**§ 86107. Registration Statement; Amendment; Termination.**

- § 86108. Registration Statement; Publication.
- § 86109. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers.
- § 86109.5. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Versioning.
- § 86110. Recordkeeping.
- § 86111. Activity Expenses; Agency Official.
- § 86112. Activity Expenses; Reporting.
- § 86112.3. Invitations.
- § 86112.5. Notification to Beneficiary of a Gift.
- § 86113. Periodic Reports; Lobbyists; Contents.
- § 86114. Periodic Reports; Lobbying Firms; Contents.
- § 86115. Periodic Reports; Employers and Others.
- § 86116. Periodic Reports; Employers and Others; Contents.
- § 86116.5. Periodic Reports; State and Local Government Agencies.
- § 86117. Periodic Reports; Filing; Time.
- § 86118. Periodic Reports; Where to File.

later than 10 days after qualifying as a lobbying firm or lobbyist employer.  
History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Requirement of Registration.")  
References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18601

**§ 86102. Registration Fees.**  
 Each lobbying firm and lobbyist employer required to file a registration statement under this chapter may be charged not more than twenty-five dollars (\$25) per year for each lobbyist required to be listed on its registration statement.  
History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Removal of Registration.")  
References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18601

**§ 86103. Lobbyist Certification; Requirements.**  
 A lobbyist certification shall include all of the following:

- (a) A recent photograph of the lobbyist, the size of which shall be prescribed by the Secretary of State.
- (b) The full name, business address, and telephone number of the lobbyist.
- (c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.

(d) (1) In the case of a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, a statement that the lobbyist has completed, within the previous 12 months or will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8956. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year, the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course no later than June 30 of the following year, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating that he or she has completed the course and the

date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.

(2) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist's completion of the ethics course, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.

(e) Any other information required by the Commission consistent with the purposes and provisions of this chapter.  
History: Amended by Stats. 1984, Ch. 161, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Registration Statement; Amendment; Termination"); amended by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 391, amended by Stats. 1995, Ch. 346, amended by Stats. 1997, Ch. 574.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18601  
 2 Cal. Code of Regs. Section 18603.1  
 Opinions: *In re Evans* (1978) 4 PPRC Ops. 54

**§ 86104. Lobbying Firm; Registration Requirements.**

The registration of a lobbying firm shall include:

- (a) The full name, business address, and telephone number of the lobbying firm.
- (b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.
- (c) The lobbyist certification of each lobbyist in the lobbying firm.

(d) For each person with whom the lobbying firm contracts to provide the following lobbying services:

- (1) The full name, business address, and telephone number of the person.
- (2) A written authorization signed by the person.

(3) The time period of the contract.  
 (4) Information sufficient to identify the nature and interests of the person including:

- (A) If the person is an individual, the name and address of his or her employer, if any, or his or her principal place of business if the person is self-employed, and a description of the person's activity in which the person or his or her employer is engaged.

(B) If the person is a business entity, a description of the business activity in which it is engaged.

(C) If the person is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

(D) If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

(5) The lobbying interests of the person.  
 (6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.

(e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 86203 and 86205.

(f) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1976, Ch. 415, effective July 10, 1976; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Registration Statement; Publication."); amended by Stats. 1986, Ch. 905, amended by Stats. 1987, Ch. 459.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18601

**§ 86105. Lobbyist Employer; Registration Requirements.**

The registration of a lobbyist employer shall include:

§ 86106.

(a) The full name, business address, and telephone number of the lobbyist employer.

(b) A list of the lobbyists who are employed by the lobbyist employer.

(c) The lobbyist certification of each lobbyist employer by the lobbyist employer.

(d) Information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.

(2) If the filer is a business entity, a description of the business activity in which it is engaged.

(3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

(e) The lobbying interests of the lobbyist employer, and a list of the state agencies whose legislative or administrative actions the lobbyist employer will attempt to influence.

(f) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1979, Ch. 592, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Activities: Designation by Name: Deposits"; amended by Stats. 1987, Ch. 459.)

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

§ 86106. Renewal of Registration.

Each registered lobbying firm and lobbyist employer which will be conducting activities which require registration shall renew its registration by filing photographs of its lobbyists, authorizations, and a registration statement between November 1 and December 31, of each even-numbered year. Each lobbyist shall renew his or her lobbyist certification in

§ 86107.

connection with the renewal of registration by the lobbyist's lobbying firm or employer.

History: Repealed by Stats. 1979, Ch. 592, (Formerly titled "Activities: Payment of Expenses: Petty Cash"); added by Stats. 1985, Ch. 1183 effective September 29, 1985, amended by Stats. 1987, Ch. 936, amended by Stats. 1997, Ch. 574.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18603

§ 86107. Registration Statement: Amendment; Termination.

(a) If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm's attempting to influence any legislative or administrative action on behalf of that person.

(b) Lobbying firms and lobbyist employers which, during a regular session of the Legislature, cease all activity which required registration shall file a notice of termination within 20 days after such cessation. Lobbying firms and lobbyist employers which at the close of a regular session of the Legislature cease all activity which required registration, shall not be required to file a notice of termination.

(c) If any change occurs in any of the information contained in a lobbyist certification or if the lobbyist terminates all activity which required certification, the lobbyist shall submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who at the close of a regular session of the Legislature ceases all activity which required certification, shall not be required to file a notice of termination.

(d) Lobbyists and lobbying firms shall remain subject to Section 86203 for the earlier of six months after filing a notice of termination or six months after the close of a regular session of the Legislature at the close of which the lobbyist or lobbying firm ceased all activity which required certification or registration.

History: Amended by Stats. 1979, Ch. 592, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Contents of Periodic Reports."); amended by Stats. 1986, Ch. 905, amended by Stats. 1987, Ch. 936.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18601

2 Cal. Code of Regs. Section 18603

§ 86108.

§ 86108. Registration Statement; Publication.

All information listed on any registration statement and on any amendment, renewal, or notice of termination shall be printed by the Secretary of State and made public within 30 days after filing.

History: Amended by Stats. 1979, Ch. 592, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports, Employers and Others.");

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

§ 86109. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers.

Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall publish, from time to time, such supplements to the directory as may be necessary.

History: Amended by Stats. 1984, Ch. 161, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers and Others."); amended by Stats. 1991, Ch. 391.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

§ 86109.5. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers: Online Version.

(a) The Secretary of State shall establish and maintain on the internet an online version of the Directory of Lobbyist, Lobbying Firms, and Lobbying Employers. The Secretary of State shall update the directory weekly.

(b) The Secretary of State shall also display on the internet a list of the specific changes made to the Directory of Lobbyist, Lobbying Firms, and Lobbying Employers, including new registrations and listings, additions, deletions, and other revisions, during the seven days preceding the update required by subdivision (a).

(c) This section may not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.

(d) Notwithstanding any other provision of this title, the lobbying data made available on the internet shall include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State pursuant to Chapter 6 (commencing with Section 86100).

History: Added by Stats. 1999, Ch. 855.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

§ 86112.

§ 86110. Recordkeeping.

Lobbyists, lobbying firms, and lobbyist employers which receive payments, make payments or incur expenses or expect to receive payments, make payments or incur expenses in connection with activities which are reportable pursuant to this chapter shall keep detailed accounts, records, bills, and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

History: Amended by Stats. 1979, Ch. 592, repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports: Filing: Form.");

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18610

2 Cal. Code of Regs. Section 18612

2 Cal. Code of Regs. Section 18615

§ 86111. Activity Expense; Agency Official.

(a) "Activity expense" as used in this chapter means any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

(b) "Agency official" as used in this chapter means any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer or person described in subdivision (b) of Section 86115 has attempted or is attempting to influence.

History: Added by Stats. 1979, Ch. 592, amended by Stats. 1976, Ch. 475, effective July 10, 1976, repealed former Section 86111 titled "Agency Official: Publication"; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Lobbying: Reports and Statements: Where to File.");

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18229.1

2 Cal. Code of Regs. Section 18945

2 Cal. Code of Regs. Section 18950

2 Cal. Code of Regs. Section 18950.1

2 Cal. Code of Regs. Section 18950.3

§ 86112. Activity Expenses; Reporting.

When a person is required to report activity expenses pursuant to this article, the following information shall be provided:

(a) The date and amount of each activity expense.

(b) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of benefit.

(c) The full name of the payee of each expense if other than the beneficiary.

(d) Any other information required by the Commissions consistent with the purposes and provisions of this chapter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18611  
2 Cal. Code of Regs. Section 18613  
2 Cal. Code of Regs. Section 18640

**§ 86112.3. Invitations.**

(a) Each person filing a report pursuant to this article who sends any written or printed invitation to an elected state officer, candidate for elective state office, legislative official or agency official, shall include on the invitation or on a letter attached to the invitation the following typed, printed, or handwritten statement that is at least as large and readable as 8-point Roman boldface type, in a color or print that contrasts with the background so as to be easily legible: Attendance at this event by a public official will constitute acceptance of a reportable gift.

(b) The notice specified in subdivision (a) shall not be required to appear on any invitation wherein attendance at the event described in the invitation will not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official or agency official, pursuant to paragraph (1) of subdivision (a) of Section 87207.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1993, Ch. 1140.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

**§ 86112.5. Notification to Beneficiary of a Gift.**

(a) Each person filing a report pursuant to this article shall provide each beneficiary of a gift listed within the report the following information:

- (1) The date and amount of each gift reportable by the beneficiary.
- (2) A description of the goods or services provided to the beneficiary.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. For the purposes of meeting the disclosure requirements of this section, a lobbyist firm or lobbyist employer may provide the beneficiary a copy of the activity expense section of the report submitted to the Secretary of State pursuant to this article.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1991, Ch. 322.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18640

**§ 86113. Periodic Reports; Lobbyists; Contents.**

(a) A lobbyist shall complete and verify a periodic report which contains:

- (1) A report of all activity expenses by the lobbyist during the reporting period; and
- (2) A report of all contributions of one hundred dollars (\$100) or more made or delivered by the lobbyist to any elected state officer or state candidate during the reporting period.

(b) A lobbyist shall provide the original of his or her periodic report to his or her lobbyist employer or lobbying firm within two weeks following the end of each calendar quarter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18611

Opinions: In re Nishi (1976) 2 FPPC Ops. 1  
In re Atlantic-Resfield Co. (1975) 1 FPPC Ops. 147  
In re XUE (1975) 1 FPPC Ops. 145  
In re Han (1975) 1 FPPC Ops. 126  
In re Bunniger (1975) 1 FPPC Ops. 104  
In re Shulman (1975) 1 FPPC Ops. 16

**§ 86114. Periodic Reports; Lobbying Firms; Contents.**

(a) Lobbying firms shall file periodic reports containing all of the following:

- (1) The full name, address, and telephone number of the lobbying firm.
- (2) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, a description

of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(3) The total amount of payments received for lobbying services during the period.

(4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.

(5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.

(6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:

- (A) The full name, address, and telephone number of the subcontractor.
- (B) The name of the person for whom the subcontractor was retained to lobby.
- (C) The total amount of all payments made to the subcontractor.
- (7) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee and the identification number of the committee.

(8) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985, amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18613  
2 Cal. Code of Regs. Section 18614  
2 Cal. Code of Regs. Section 18614

**§ 86115. Periodic Reports; Employers and Others.**

Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86116:

- (a) Any lobbyist employer; and
- (b) Any person who directly or indirectly makes payments to influence legislative or administrative action of five thousand dollars (\$5,000) or more in value in any calendar quarter, unless all of the payments are of the type described in subdivision (c) of Section 82045.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18616  
2 Cal. Code of Regs. Section 18616.4

Opinions: In re Kowal (1978) 4 FPPC Ops. 95  
In re Evans (1978) 4 FPPC Ops. 54  
In re Shan (1976) 2 FPPC Ops. 105  
In re Gillies (1975) 1 FPPC Ops. 165  
In re Stern (1975) 1 FPPC Ops. 59  
In re Witt (1975) 1 FPPC Ops. 1

**§ 86116. Periodic Reports; Employers and Others; Contents.**

Every person described in Section 86115 shall file periodic reports containing the following information:

- (a) The name, business address, and telephone number of the lobbyist employer or other person filing the report.
- (b) The total amount of payments to each lobbying firm.
- (c) The total amount of all payments to lobbyists employed by the filer.
- (d) A description of the specific lobbying interests of the filer.
- (e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.
- (f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.
- (g) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support the officer or candidate. If this contribution is reported by the filer

in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee and the identification number of the committee.

(8) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985, amended by Stats. 1986, Ch. 905.



§ 86116.S.

or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee.

(h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.

(2) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in subdivision (b) or (c), respectively, of Section 82002, may, in lieu of reporting those payments pursuant to paragraph (1), report only the portion of those payments made to or for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities Commission proceeding. This alternative reporting of these payments made during a calendar month is not required to include payments made to an attorney or witness who is an employee of the filer if less than 10 percent of his or her compensated time in that month was spent in appearing, testifying, or preparing to appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For the purposes of this paragraph, time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.

(i) Any other information required by the commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 965, amended by Stats. 1987, Ch. 452, amended by Stats. 2001, Ch. 921.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18814  
 2 Cal. Code of Regs. Section 18616  
 2 Cal. Code of Regs. Section 18616.4  
 Opinions:  
 In re Evans (1978) 4 FPPC Ops. 54  
 In re Herr (1977) 3 FPPC Ops. 11  
 In re Sloan (1976) 2 FPPC Ops. 105  
 In re Nalla (1976) 2 FPPC Ops. 1  
 In re Deminski (1975) 1 FPPC Ops. 158  
 In re Atlantic-Richfield Co. (1975) 1 FPPC Ops. 145  
 In re Maroney (1975) 1 FPPC Ops. 130  
 In re Manderson (1975) 1 FPPC Ops. 122  
 In re Wallbert (1975) 1 FPPC Ops. 118  
 In re Gillies (1975) 1 FPPC Ops. 110

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In re League of California Milk Producers (1975) 1 FPPC Ops. 13  
 In re Witt (1975) 1 FPPC Ops. 1

**§ 86116.S. Periodic Reports; State and Local Government Agencies.**

(a) In addition to the information required pursuant to Section 86116, all state and local agencies that file reports pursuant to Sections 86115 and 86116 shall disclose, except for overhead expenses, all payments of two hundred fifty dollars (\$250) or more made in a reporting period, including, but not limited to, all of the following:

(1) Goods and services used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities as a lobbyist.

(2) Payments of any other expenses which would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action.

(3) Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10 percent of its total expenditures, or fifteen thousand dollars (\$15,000), or more, during any calendar quarter, to influence legislative or administrative action.

(b) Reports required pursuant to this section may be disclosed on a separate schedule and shall include all of the following information:

(1) The name and address of the payee.

(2) The total payments made during the reporting period.

(3) The cumulative amount paid during the calendar year.

(c) All statements required by this section shall be filed as specified by Sections 86117 and 86118.

History: Added by Stats. 1992, Ch. 214.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18616

§ 86118.

shall be stated both for the period covered by the statement and for the entire legislative session to date.

(b) The period covered by the first report a person is required to file pursuant to Sections 86114 and 86116 shall begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount shall be stated for the entire calendar quarter covered by the first report.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1994, Ch. 1139.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18117  
 2 Cal. Code of Regs. Section 18617

§ 86118.

**§ 86118. Periodic Reports; Where to File.**

The original and one copy of each report required by Sections 86114 and 86116 of the Government Code shall be filed with the Secretary of State.

History: Added by Stats. 1986, Ch. 965.

§ 86200.

**Article 2. Prohibitions.**

**§ 86200 - 86205**

§ 86200. Contribution. [Repealed]

§ 86201. Gift.

§ 86202. Unlawful Contribution. [Repealed]

§ 86203. Unlawful Gifts.

§ 86204. Receipt of Unlawful Gift.

§ 86205. Acts Prohibited.

§ 86200. Contribution. [Repealed]

History: Repealed by Stats. 1984, Ch. 161.

§ 86201.

**§ 86201. Gift.**

"Gift" as used in this article means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbyist firm or the lobbyist employer of the lobbyist.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18624  
 2 Cal. Code of Regs. Section 18630  
 2 Cal. Code of Regs. Section 18630

§ 86202.

**§ 86202. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86203.

**§ 86203. Unlawful Gifts.**

It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18624  
 2 Cal. Code of Regs. Section 18630  
 2 Cal. Code of Regs. Section 18945.3  
 Opinions:  
 In re Institute for Governmental Accountability (1983) 7 FPPC Ops. 1  
 In re Goddard (1978) 4 FPPC Ops. 1  
 In re Kambard (1977) 3 FPPC Ops. 83  
 In re Zanz (1975) 1 FPPC Ops. 195  
 In re Horn (1975) 1 FPPC Ops. 126  
 In re Olson (1975) 1 FPPC Ops. 107  
 In re Giliberti (1975) 1 FPPC Ops. 82  
 In re Simblers (1975) 1 FPPC Ops. 42  
 In re Blenslie (1975) 1 FPPC Ops. 37

§ 86204.

**§ 86204. Receipt of Unlawful Gift.**

It shall be unlawful for any person knowingly to receive any gift which is made unlawful by Section 86203.

History: Amended by Stats. 1984, Ch. 161.

References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18944

§ 86205.

**§ 86205. Acts Prohibited.**

No lobbyist or lobbying firm shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action.

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

§ 86206.

**§ 86206. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86207.

**§ 86207. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86208.

**§ 86208. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86209.

**§ 86209. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86210.

**§ 86210. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86211.

**§ 86211. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

§ 86212.

**§ 86212. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

(e) Represent falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18625

Opinions: In re Reinhardt (1977) 3 FPPC Ops. 83

**Article 3. Exemptions.**

**§ 86300.**

**Exemptions.**

The provisions of this chapter are not applicable to:

- (a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment, provided that, an employee of the State of California, other than a legislative official, who attempts to influence legislative action and who would be required to register as a lobbyist except for the provisions of this subdivision shall not make gifts of more than ten dollars (\$10) in a calendar month to an elected state officer or legislative official.
- (b) Any newspaper or other periodical of general circulation, book, publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or
- (c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

History: Amended by Stats. 1975, Ch. 1079.

References at the time of publication (see page 3):

In re Herr (1977) 3 FPPC Ops. 11

Opinions: In re Morgan (1975) 1 FPPC Ops. 177

**Chapter 7. Conflicts of Interests.**

**§ 87100 - 87500**

**Article 1. General Prohibitions. § 87100 - 87100.5**

2. Disclosure. § 87200 - 87210

3. Conflict of Interest Codes. § 87300 - 87313

3.5. Multiagency Filers. § 87350

4. Disqualification of Former Officers and Employees. § 87400 - 87407

4.5. Disqualification of State Officers and Employees. § 87450

4.6. Loans to Public Officials. § 87460-87462

5. Filing. § 87500

**Article 1. General Prohibitions.**

**§ 87100 - 87105**

§ 87100. Public Officials; State and Local.

§ 87100.1. Professional Engineers and Surveyors as Consultants.

§ 87101. Legally Required Participation in Governmental Decision.

§ 87102. Applicability of Enforcement Provisions; Additional Requirements.

§ 87102.5. Legislature; Use of Position to Influence Decisions.

§ 87102.6. Nonmember Legislator; Definitions.

§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

§ 87103. Financial Interest.

§ 87103.5. Income from Retail Sales.

§ 87103.6. Source of Income; Payments to Government Agencies.

§ 87104. Prohibitions on Public Officials.

§ 87105. Manner of Disqualification.

**§ 87100. Public Officials; State and Local.**

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18252

2 Cal. Code of Regs. Section 18700

2 Cal. Code of Regs. Section 18701

2 Cal. Code of Regs. Section 18702.1

2 Cal. Code of Regs. Section 18702.2

2 Cal. Code of Regs. Section 18702.3

2 Cal. Code of Regs. Section 18702.4

2 Cal. Code of Regs. Section 18702.5

2 Cal. Code of Regs. Section 18703

2 Cal. Code of Regs. Section 18703.1

2 Cal. Code of Regs. Section 18703.2

2 Cal. Code of Regs. Section 18703.3

2 Cal. Code of Regs. Section 18703.4

2 Cal. Code of Regs. Section 18703.5

2 Cal. Code of Regs. Section 18704

2 Cal. Code of Regs. Section 18704.1

2 Cal. Code of Regs. Section 18704.2

2 Cal. Code of Regs. Section 18704.5

2 Cal. Code of Regs. Section 18705

2 Cal. Code of Regs. Section 18705.1

2 Cal. Code of Regs. Section 18705.2

2 Cal. Code of Regs. Section 18705.3

2 Cal. Code of Regs. Section 18705.4

2 Cal. Code of Regs. Section 18705.5

2 Cal. Code of Regs. Section 18709

2 Cal. Code of Regs. Section 18940

2 Cal. Code of Regs. Section 18942

2 Cal. Code of Regs. Section 18943

2 Cal. Code of Regs. Section 18944.2

Opinions: In re Hinko (2002) 16 FPPC Ops. 1

In re Chaffman (2000) 14 FPPC Ops. 1

**§ 87100.1. Professional Engineers and Surveyors as Consultants.**

(a) A registered professional engineer or licensed land surveyor who renders professional services as a consultant to a state or local government, either directly or through a firm in which he or she is employed or is a principal, does not have a financial interest in a governmental decision pursuant to Section 87100 where the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency and does not exercise public agency decisionmaking authority as a contract city or county engineer or surveyor.

(b) For purposes of this section, the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency when the consultant is in responsible charge of the work pursuant to Section 6703 or 8703 of the Business and Professions Code.

(c) Subdivision (a) does not apply to that portion of the work that constitutes the recommendation of the actual formula to spread the costs of an assessment district's improvements if both of the following apply:

- (1) The engineer has received income of two hundred fifty dollars (\$250) or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district.
- (2) The district includes other parcels in addition to those parcels for which the engineer received the income.

The recommendation of the actual formula does not include preliminary site studies, preliminary engineering plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, utilized in applying the formula.

History: Added by Stats. 1991, Ch. 887.

**§ 87101. Legally Required Participation in Governmental Decision.**

Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18702

2 Cal. Code of Regs. Section 18702.1

2 Cal. Code of Regs. Section 18708

Opinions: In re Tobias (1999) 5 FPPC Ops. 5

In re Egan (1978) 4 FPPC Ops. 19

In re Egan (1978) 4 FPPC Ops. 19

In re Egan (1977) 3 FPPC Ops. 107

In re Salinas (1977) 3 FPPC Ops. 69

**§ 87102. Applicability of Enforcement Provisions; Additional Requirements.**

The requirements of Section 87100 are in addition to the requirements of Articles 2 (commencing with Section 87200) and 3 (commencing with Section 87300) and any Conflict of Interest Code adopted hereunder. Except as provided in Section 87102.5, the remedies provided in Chapters 3 (commencing with Section 83100) and 11 (commencing with Section 91000) shall not be applicable to elected state officers for violations or threatened violations of this article.

History: Amended by Stats. 1980, Ch. 1029, amended by Stats. 1990, Ch. 84.

**§ 87102.5. Legislature; Use of Position to Influence Decisions.**

(a) The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which he or she knows or has reason to know that he or she has a financial interest:

- (1) Any state governmental decision, other than any action or decision before the Legislature, made in the course of his or her duties as a member.

- (2) Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party.
- (3) Introduction as a lead author of any legislation that the member knows or has reason to know is nongeneral legislation.
- (4) Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation.
- (5) Any rollcall vote on the Senate or Assembly floor on an item which the member knows is nongeneral legislation.
- (6) Any action or decision before the Legislature in which all of the following occur:
  - (A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer.
  - (B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer.
  - (C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.
- (7) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.
- (b) For purposes of this section, all of the following apply:
  - (1) "Any action or decision before the Legislature" means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.
  - (2) "Financial interest" means an interest as defined in Section 87103.
  - (3) "Legislation" means a bill, resolution, or constitutional amendment.
  - (4) "Nongeneral legislation" means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.
  - (5) A Member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person with respect to which disqualification may be required pursuant to subdivision (a) if either of the following apply:

- (A) With the knowledge of the member, the person has attempted to influence the vote of the member with respect to the action or decision.
- (B) Facts have been brought to the member's personal attention indicating that the action or decision will have a direct and significant impact on the person.
- (6) The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.
- (7) A Member of the Legislature has reason to know that legislation is nongeneral legislation if facts have been brought to his or her personal attention indicating that it is nongeneral legislation.
- (8) Written advice given to a Member of the Legislature regarding his or her duties under this section by the Legislative Counsel shall have the same effect as advice given by the Commission pursuant to subdivision (b) of Section 8311.4 if both of the following apply:
  - (A) The member has made the same written request based on the same material facts to the Commission for advice pursuant to Section 8311.4 as to his or her duties under this section, as the written request and facts presented to the Legislative Counsel.
  - (B) The Commission has not provided written advice pursuant to the member's request prior to the time the member acts in good faith reliance on the advice of the Legislative Counsel.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18232
  - 2 Cal. Code of Regs. Section 18702.5
  - 2 Cal. Code of Regs. Section 18703
  - 2 Cal. Code of Regs. Section 18703.1
  - 2 Cal. Code of Regs. Section 18703.2
  - 2 Cal. Code of Regs. Section 18703.3
  - 2 Cal. Code of Regs. Section 18703.4
  - 2 Cal. Code of Regs. Section 18703.5
  - 2 Cal. Code of Regs. Section 18704
  - 2 Cal. Code of Regs. Section 18704.1
  - 2 Cal. Code of Regs. Section 18704.2
  - 2 Cal. Code of Regs. Section 18704.5
  - 2 Cal. Code of Regs. Section 18705
  - 2 Cal. Code of Regs. Section 18705.1
  - 2 Cal. Code of Regs. Section 18705.2
  - 2 Cal. Code of Regs. Section 18705.3
  - 2 Cal. Code of Regs. Section 18705.4
  - 2 Cal. Code of Regs. Section 18705.5
  - 2 Cal. Code of Regs. Section 18706
- Opinions: In re Callaghan (2000) 14 FPPC Ops. 1

§ 87102.6. Nongeneral Legislation; Definitions.

- (a) "Nongeneral legislation" means legislation as to which both of the following apply:

- (1) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.
- (2) It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.
- (3) For purposes of this section and Section 87102.5, all of the following apply:

- (1) "Legislation" means a bill, resolution, or constitutional amendment.
- (2) "Public generally" includes an industry, trade, or profession.
- (3) Any recognized subgroup or specialty of the industry, trade, or profession constitutes a significant segment of the public.
- (4) A legislative district, county, city, or special district constitutes a significant segment of the public.
- (5) More than a small number of persons or pieces of real property is a significant segment of public.
- (6) Legislation, administrative action, or other governmental action impacts in a similar manner all members of the public, or all members of a significant segment of the public, on which it has a direct financial effect, whether or not the financial effect on individual members of the public or the significant segment of the public is the same as the impact on the other members of the public or the significant segment of the public.
- (7) The Budget Bill as a whole is not nongeneral legislation.
- (8) Legislation that contains at least one provision that constitutes nongeneral legislation is nongeneral legislation, even if the legislation also contains other provisions that are general and do not constitute nongeneral legislation.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 2006, Ch. 538.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18232
  - 2 Cal. Code of Regs. Section 18702.5
  - 2 Cal. Code of Regs. Section 18703
  - 2 Cal. Code of Regs. Section 18703.1
  - 2 Cal. Code of Regs. Section 18703.2
  - 2 Cal. Code of Regs. Section 18703.3
  - 2 Cal. Code of Regs. Section 18703.4
  - 2 Cal. Code of Regs. Section 18703.5
  - 2 Cal. Code of Regs. Section 18704
  - 2 Cal. Code of Regs. Section 18704.1
  - 2 Cal. Code of Regs. Section 18704.2
  - 2 Cal. Code of Regs. Section 18704.5
  - 2 Cal. Code of Regs. Section 18705
  - 2 Cal. Code of Regs. Section 18705.1
  - 2 Cal. Code of Regs. Section 18705.2
  - 2 Cal. Code of Regs. Section 18705.3
  - 2 Cal. Code of Regs. Section 18705.4
  - 2 Cal. Code of Regs. Section 18705.5
  - 2 Cal. Code of Regs. Section 18706
- Opinions: In re Callaghan (2000) 14 FPPC Ops. 1

§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

- (a) No elected state officer, as defined in subdivision (f) of Section 14 of Article V of the California Constitution, shall make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the elected state officer serves, where he or she knows or has reason to know that he or she has a financial interest.
- (b) An elected state officer knows or has reason to know that he or she has a financial interest in any action by, or a decision before the agency in which he or she serves where either of the following occur:
  - (1) The action or decision will have a direct and significant financial impact on a lobbyist employer from which the officer has received any salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.
  - (2) The action or decision will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.
- (c) The definitions of "public generally" and "significant segment of the public" contained in Section 87102.6 shall apply to this section.
- (d) Notwithstanding Section 87102, the remedies provided in Chapter 3 (commencing with Section 83100) shall apply to violations of this section.

History: Added by Stats. 1990, Ch. 1075, amended by Stats. 1991, Ch. 674.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18232
  - 2 Cal. Code of Regs. Section 18702.5
  - 2 Cal. Code of Regs. Section 18703
  - 2 Cal. Code of Regs. Section 18703.1
  - 2 Cal. Code of Regs. Section 18703.2
  - 2 Cal. Code of Regs. Section 18703.3
  - 2 Cal. Code of Regs. Section 18703.4
  - 2 Cal. Code of Regs. Section 18703.5
  - 2 Cal. Code of Regs. Section 18704
  - 2 Cal. Code of Regs. Section 18704.1
  - 2 Cal. Code of Regs. Section 18704.2
  - 2 Cal. Code of Regs. Section 18704.5
  - 2 Cal. Code of Regs. Section 18705
  - 2 Cal. Code of Regs. Section 18705.1
  - 2 Cal. Code of Regs. Section 18705.2
  - 2 Cal. Code of Regs. Section 18705.3
  - 2 Cal. Code of Regs. Section 18705.4
  - 2 Cal. Code of Regs. Section 18705.5
  - 2 Cal. Code of Regs. Section 18706
- Opinions: In re Callaghan (2000) 14 FPPC Ops. 1

§ 87103. Financial Interest.

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

- (a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.
(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.
(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.
The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the Commission to equal the same amount determined by the Commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

History: Amended by Stats. 1979, Ch. 686, amended by Stats. 1980, Ch. 183, amended by Stats. 1984, Ch. 931, amended by Stats. 1985, Ch. 611, amended by Stats. 1994, Ch. 386, amended by Stats. 1997, Ch. 455, effective September 24, 1997, amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18272
2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.5
2 Cal. Code of Regs. Section 18703
2 Cal. Code of Regs. Section 18703.1
2 Cal. Code of Regs. Section 18703.2

(b) Notwithstanding subdivision (c) of Section 87103, in a jurisdiction with a population of 10,000 or less which is located in a county with 350 or fewer retail businesses, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official of that jurisdiction who owns a 10-percent or greater interest in the entity, if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer does not exceed one percent of the gross sales revenues that the business entity earned during the 12 months prior to the time the decision is made.

(c) For the purposes of subdivision (b):
(1) Population in a jurisdiction shall be established by the United States Census.
(2) The number of retail businesses in a county shall be established by the previous quarter's Covered Employment and Wages Report (ES-202) of the Labor Market Information Division of the California Employment Development Department.

History: Amended by Stats. 1984, Ch. 951, amended by Stats. 2002, Ch. 654.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18707.5

§ 87103.6. Source of Income; Payments to Government Agencies.

Notwithstanding subdivision (c) of Section 87103, any person who makes a payment to a state agency or local government agency to defray the estimated reasonable costs to process any application, approval, or any other action, including but not limited to, holding public hearings and evaluating or preparing any report or document, shall not by reason of his payment be a source of income to a person who is retained or employed by the agency.

History: Amended by Stats. 1991, Ch. 887.

§ 87104. Prohibitions on Public Officials.

(e) No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent any other person by making any formal or informal appearance before, or any oral or written communication to, his or her state agency or any officer or employee thereof, if the appearance or communication is for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use.

(f) For purposes of this section, "public official" includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, except when the public official is representing his or her employing state, local, or federal agency in an

appearance before, or communication to, the advisory body.
History: Added by Stats. 1994, Ch. 414, amended by Stats. 1997, Ch. 145.

§ 87105. Manner of Disqualification.
(a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- (1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

(4) Notwithstanding paragraph (3), a public official described in subdivision (e) may speak on the issue during the time that the general public speaks on the issue.

(b) This section does not apply to Members of the Legislature.
History: Added by Stats. 2002, Ch. 233.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18702.5

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- § 87200. Applicability.
§ 87201. Candidates.
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§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]
§ 87207. Disclosure of Investments and Interest in Real Property.
§ 87208. Incorporation by Reference.

**§ 87200. Business Positions, Gifts Made Through Intermediaries and Others - Disclosure Requirements.**

**§ 87200. Applicability.**  
This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

History: Amended by Stats. 1975, Ch. 797, effective September 16, 1975, operative September 5, 1975, amended by Stats. 1976, Ch. 129, effective May 3, 1976, amended by Stats. 1978, Ch. 337, amended by Stats. 1979, Ch. 674, amended by Stats. 1983, Ch. 214, amended by Stats. 1984, Ch. 727, effective July 1, 1984, amended by Stats. 1985, Ch. 611, amended by Stats. 1989, Ch. 463.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18701  
2 Cal. Code of Regs. Section 18702  
2 Cal. Code of Regs. Section 18702.1  
2 Cal. Code of Regs. Section 18702.5  
2 Cal. Code of Regs. Section 18702.5  
2 Cal. Code of Regs. Section 18725  
2 Cal. Code of Regs. Section 18725.5  
2 Cal. Code of Regs. Section 18733

**§ 87201. Candidates.**

Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

History: Amended by Stats. 1977, Ch. 1193, amended by Stats. 1980, Ch. 938, amended by Stats. 1984, Ch. 931, amended by Stats. 1992, Ch. 1141.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18732.5  
2 Cal. Code of Regs. Section 18732.5

Opinions: In re. Parnham (1975) 1 PFPCC Ops. 101

2 Cal. Code of Regs. Section 18723  
2 Cal. Code of Regs. Section 18732.5  
In re. Stumpff (1975) 1 PFPCC Ops. 183  
Opinions:

**§ 87204. Leaving Office.**

Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18723  
2 Cal. Code of Regs. Section 18723  
2 Cal. Code of Regs. Section 18732.5

**§ 87205. Persons Completing and Beginning Term of Office on the Same Day.**

A person who completes a term of an office specified in Section 87200 and within 45 days begins a term of the same office or another such office of the same jurisdiction is deemed not to assume office or leave office.

History: Amended by Stats. 1977, Ch. 1193, amended by Stats. 1997, Ch. 483, amended by Stats. 2005, Ch. 260.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18117  
2 Cal. Code of Regs. Section 18732.5

**§ 87206. Disclosure of Investment or Interest in Real Property.**

If an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

- (a) A statement of the nature of the investment or interest.
- (b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.
- (c) The address or other precise location of the real property.
- (d) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000), but does not exceed one million dollars (\$1,000,000).

(e) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

(f) For purposes of disclosure under this article, "interest in real property" does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

History: Amended by Stats. 1986, Ch. 1006, amended by Stats. 1984, Ch. 931, amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18233  
2 Cal. Code of Regs. Section 18729  
2 Cal. Code of Regs. Section 18732.5

Opinions: In re. Sahibhanani (1975) 1 PFPCC Ops. 95

**§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]**

History: Added by Stats. 1976, Ch. 1161, repealed by Stats. 1980, Ch. 1000. (Now contained in Section 87206.)

**§ 87207. Disclosure of Income.**

(a) When income is required to be reported under this article, the statement shall contain, except as provided in subdivision (b):

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value, if the income was a gift, and a general description of the business activity, if any, of each source.
- (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000).
- (3) A description of the consideration, if any, for which the income was received.
- (4) In the case of a gift, the amount and the date on which the gift was received.
- (5) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.
- (b) When the filer's pro rata share of income to a sole business entity, including income to a sole



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nominated, respectively. Each designated employee shall file an annual statement at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

- (1) File a written resignation with the appointing power.
(2) File a written statement with the filing officer on a form prescribed by the Commission and signed under penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

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History: Amended by Stats. 1978, Ch. 537, amended by Stats. 1979, Ch. 674, amended by Stats. 1980, Ch. 765, amended by Stats. 1987, Ch. 1188, amended by Stats. 1989, Ch. 499, amended by Stats. 1991, Ch. 837, amended by Stats. 1992, Ch. 441.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117, 2 Cal. Code of Regs. Section 18329.5, 2 Cal. Code of Regs. Section 18351, 2 Cal. Code of Regs. Section 18701, 2 Cal. Code of Regs. Section 18722, 2 Cal. Code of Regs. Section 18730, 2 Cal. Code of Regs. Section 18732, 2 Cal. Code of Regs. Section 18733, 2 Cal. Code of Regs. Section 18734, 2 Cal. Code of Regs. Section 18735, 2 Cal. Code of Regs. Section 18736, 2 Cal. Code of Regs. Section 18737, 2 Cal. Code of Regs. Section 18754, 2 Cal. Code of Regs. Section 18940, 2 Cal. Code of Regs. Section 18941, 2 Cal. Code of Regs. Section 18943, 2 Cal. Code of Regs. Section 18944, 2 Cal. Code of Regs. Section 18945, 2 Cal. Code of Regs. Section 18946, 2 Cal. Code of Regs. Section 18946.1, 2 Cal. Code of Regs. Section 18946.2, 2 Cal. Code of Regs. Section 18946.3, 2 Cal. Code of Regs. Section 18946.4, 2 Cal. Code of Regs. Section 18946.5, 2 Cal. Code of Regs. Section 18946.6, 2 Cal. Code of Regs. Section 18950, 2 Cal. Code of Regs. Section 18950.3
Opinions: In re Alherin (1977) 3 FPCC Ops. 77

§ 87302.3. Disclosure by Candidates for Elective Office.

(a) Every candidate for an elective office that is designated in a conflict of interest code shall file a statement disclosing his or her investments, business positions, interests in real property, and income received during the immediately preceding 12 months, as enumerated in the disclosure requirements for that position. The statement shall be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot are required to be filed and shall be filed no later than the final filing date for the declaration or nomination documents.

(b) This section does not apply to either of the following:
(1) A candidate for an elective office designated in a conflict of interest code who has filed an initial, assuming office, or annual statement pursuant to that conflict of interest code within 60 days before the deadline specified in subdivision (a).
(2) A candidate for an elective office who has filed a statement for the office pursuant to Section

§ 87302.6.

87302.6 within 60 days before the deadline specified in subdivision (a).

History: Added by Stats. 2007, Ch. 348.

§ 87302.6. Disclosure by Members of Boards and Commissions of Newly Created Agencies.

Notwithstanding Section 87302, a member of a board or commission of a newly created agency shall file a statement at the same time and in the same manner as those individuals required to file pursuant to Section 87200. A member shall file his or her statement pursuant to Section 87302 once the agency adopts an approved conflict-of-interest code.

History: Added by Stats. 2002, Ch. 264.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18117, 2 Cal. Code of Regs. Section 18329.5, 2 Cal. Code of Regs. Section 18732.5, 2 Cal. Code of Regs. Section 18754

§ 87303. Submission; Code Reviewing Body.

No conflict of interest code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for a new agency shall be no later than six months after it comes into existence. Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall do one of the following:

- (a) Approve the proposed code as submitted.
(b) Revise the proposed code and approve it as revised.
(c) Return the proposed code to the agency for revision and resubmission within 60 days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975, amended by Stats. 1979, Ch. 686, amended by Stats. 1997, effective September 24, 1997.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18329.5, 2 Cal. Code of Regs. Section 18351, 2 Cal. Code of Regs. Section 18732.5, 2 Cal. Code of Regs. Section 18750, 2 Cal. Code of Regs. Section 18750.1, 2 Cal. Code of Regs. Section 18750.2, 2 Cal. Code of Regs. Section 18754

§ 87304. Failure to Submit, Adopt or Amend a Proposed Code.

If any agency fails to submit a proposed conflict of interest code or amendments, or if any state agency fails to report amendments pursuant to subdivision (b) of Section 87306 within the time limits prescribed pursuant to Section 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. If the code reviewing body does not issue an appropriate order or take other action within 90 days of the deadline imposed on the agency as prescribed in Section 87303 or 87306, the Commission may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. The Commission shall consult with the agency before ordering the adoption of a conflict of interest code for the agency.

History: Amended by Stats. 1986, Ch. 923, amended by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 491.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18329.5, 2 Cal. Code of Regs. Section 18732.5

§ 87305. Order to Adopt Superior Court.

If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the Commission, the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

History: Amended by Stats. 1980, Ch. 765.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18329.5, 2 Cal. Code of Regs. Section 18732.5

§ 87306. Amendments for Changed Circumstances.

(a) Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to subdivision (a) of Section 87302 and relevant changes in the duties assigned to existing positions. Amendments or revisions shall be submitted to the code reviewing

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body within 90 days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of those changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

(b) Notwithstanding subdivision (a), every state agency shall submit to the code reviewing body a biennial report identifying changes in its code, including, but not limited to, all new positions designated pursuant to subdivision (a) of Section 87302, changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports shall be submitted no later than March 1 of each odd-numbered year.

History: Amended by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 491.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18329.5  
2 Cal. Code of Regs. Section 18331  
2 Cal. Code of Regs. Section 18335  
2 Cal. Code of Regs. Section 18372.5  
2 Cal. Code of Regs. Section 18376  
2 Cal. Code of Regs. Section 18750  
2 Cal. Code of Regs. Section 18750.1  
2 Cal. Code of Regs. Section 18750.2  
2 Cal. Code of Regs. Section 18752  
2 Cal. Code of Regs. Section 18755

§ 87306.5. Conflict of Interest Code; Local Agency Review.

(a) No later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code in accordance with this title to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303 to the code reviewing body.

(b) Upon review of its code, if no change in the code is required, the local agency head shall submit a written statement to that effect to the code reviewing body no later than October 1 of the same year.

History: Added by Stats. 1990, Ch. 1075.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5  
2 Cal. Code of Regs. Section 18736.1

§ 87307. Amendments to Code by Agency; Failure to Act.

An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a

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petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5  
2 Cal. Code of Regs. Section 18737

§ 87308. Judicial Review.

Judicial review of any action of a code reviewing body under this chapter may be sought by the Commission, by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

History: Amended by Stats. 1980, Ch. 765.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87309. Requirements for Approval.

No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if:

(a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;

(b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or

(c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5  
Opinions: Int'l. Albern (1977); FPCC Ops. 77

§ 87310. Designated Employee; Broad or Indefinable Duties.

If the duties of a designated employee are so broad or indefinable that the requirements of Section 87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87311. Review and Preparation; Administrative Procedure Act.

The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and

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the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18331  
2 Cal. Code of Regs. Section 18732.5

§ 87311.5. Review and Preparation; Judicial Branch Agencies.

(a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

(b) Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.

History: Added by Stats. 1984, Ch. 721, effective July 1, 1985.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87312. Commission Assistance.

The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87313. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

No person shall make a gift of fifty dollars (\$50) or more in a calendar month on behalf of another, or while acting as the intermediary or agent of another to a person whom he knows or has reason to know may be required to disclose the gift pursuant to a conflict of

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interest code, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

History: Added by Stats. 1978, Ch. 640, amended by Stats. 1984, Ch. 931.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5  
2 Cal. Code of Regs. Section 18945.3

Article 3.5. Multiagency Filers.

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Multiagency Filers.

Notwithstanding any other provision of this title, a person required to file more than one assuming office statement, statement of economic interests, or leaving office statement, due to his or her status as a designated employee for more than one joint powers insurance agency, may elect to file a multiagency statement disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, in lieu of filing the disclosure statements for each agency.

The filer shall notify the Commission of his or her decision to become a multiagency filer. This status shall continue until revoked by the filer.

History: Added by Stats. 1990, Ch. 69.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18732.5  
2 Cal. Code of Regs. Section 18735.5

Article 4. Disqualification of Former Officers and Employees.

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Definitions.

§ 87400. Restrictions on Activities of Former State Officers.

§ 87401. Restrictions on Activities of Former State Officers; Assisting Others.

§ 87402. Exemptions.

§ 87403. Proceedings to Exclude Former State Officers.

§ 87404. Application of Requirements.

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quasi-judicial or other proceeding if both of the following apply:

(a) The State of California is a party or has a direct and substantial interest.

(b) The proceeding is one in which the former state administrative official participated.

History: Added by Stats. 1980, Ch. 66, amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18741.1  
2 Cal. Code of Regs. Section 18746.2  
2 Cal. Code of Regs. Section 18746.4

Opinions: Int'l. Labor (2000) 14 FPFC Ops. 14

**§ 87402. Restrictions on Activities of Former State Officers; Assisting Others.**

No former state administrative official, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

History: Added by Stats. 1980, Ch. 66.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18741.1  
2 Cal. Code of Regs. Section 18746.2  
2 Cal. Code of Regs. Section 18746.4

Opinions: Int'l. Labor (2000) 14 FPFC Ops. 14

**§ 87403. Exemptions.**

The prohibitions contained in Sections 87401 and 87402 shall not apply:

(a) To prevent a former state administrative official from making or providing a statement which is based on the former state administrative official's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or

(b) To communications made solely for the purpose of furnishing information by a former state administrative official if the court or state administrative official to which the communication is directed makes findings in writing that:

(1) The former state administrative official has outstanding and otherwise unavailable qualifications;

(2) The former state administrative official is acting with respect to a particular matter which requires such qualifications; and

(3) The public interest would be served by the participation of the former state administrative official.

**§ 87404. 1. Postgovernmental Employment Restrictions for Districts and District Boards.**

**§ 87406. 3. Postgovernmental Employment Restrictions for Local Officials.**

**§ 87407. Influencing Prospective Employment.**

**§ 87400. Definitions.**

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the interpretation of this article.

(a) "State administrative agency" means every state office, department, division, bureau, board and commission, but does not include the Legislature, the courts or any agency in the judicial branch of government.

(b) "State administrative official" means every member, officer, employee or consultant of a state administrative agency who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity.

(c) "Judicial, quasi-judicial or other proceeding" means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency, including but not limited to any proceeding governed by Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.

(d) "Participated" means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation or use of confidential information as an officer or employee, but excluding approval, disapproval or rendering of legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

History: Added by Stats. 1980, Ch. 66.

**§ 87401. Restrictions on Activities of Former State Officers.**

No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial,

(c) With respect to appearances or communications in a proceeding in which a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction if the state administrative agency of former employment gives its consent by determining that:

(1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and

(2) The public interest would not be harmed.

History: Added by Stats. 1980, Ch. 66.

**§ 87404. Proceedings to Exclude Former State Officers.**

Upon the petition of any interested person or party, the court or the presiding or other officer, including but not limited to a hearing officer serving pursuant to Section 11512 of the Government Code, in any judicial, quasi-judicial or other proceeding, including but not limited to any proceeding pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

History: Added by Stats. 1980, Ch. 66.

**§ 87405. Application of Requirements.**

The requirements imposed by this article shall not apply to any person who left government service prior to the effective date of this article except that any such person who returns to government service on or after the effective date of this article shall thereafter be covered thereby.

History: Added by Stats. 1980, Ch. 66.

**§ 87406. Milton Marks Postgovernmental Employment Restrictions Act.**

(a) This section shall be known, and may be cited, as the Milton Marks Postgovernment Employment Restrictions Act of 1990.

(b) No Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

(c) No elected state officer, other than a Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any oral or written communication, before any state administrative agency, or by making any oral or written communication, before any officer or employee thereof, if the appearance or communication is made for the purpose of influencing administrative action, or issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this subdivision, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board.

(d) (1) No designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position which entails the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and no member of a state administrative agency, for a period of one year after leaving office or employment, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any oral or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which he or she worked or represented during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board. The prohibition of this paragraph shall only apply to designated employees employed by a state administrative agency on or after January 7, 1991.

(2) For purposes of paragraph (1), a state administrative agency of a designated employee of the Governor's office includes any state administrative agency subject to the direction and control of the Governor.

(e) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to any individual

(c) With respect to appearances or communications in a proceeding in which a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction if the state administrative agency of former employment gives its consent by determining that:

(1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and

(2) The public interest would not be harmed.

History: Added by Stats. 1980, Ch. 66.

**§ 87404. Proceedings to Exclude Former State Officers.**

Upon the petition of any interested person or party, the court or the presiding or other officer, including but not limited to a hearing officer serving pursuant to Section 11512 of the Government Code, in any judicial, quasi-judicial or other proceeding, including but not limited to any proceeding pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

History: Added by Stats. 1980, Ch. 66.

**§ 87405. Application of Requirements.**

The requirements imposed by this article shall not apply to any person who left government service prior to the effective date of this article except that any such person who returns to government service on or after the effective date of this article shall thereafter be covered thereby.

History: Added by Stats. 1980, Ch. 66.

**§ 87406. Milton Marks Postgovernmental Employment Restrictions Act.**

(a) This section shall be known, and may be cited, as the Milton Marks Postgovernment Employment Restrictions Act of 1990.

(b) No Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

(c) No elected state officer, other than a Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any oral or written communication, before any state administrative agency, or by making any oral or written communication, before any officer or employee thereof, if the appearance or communication is made for the purpose of influencing administrative action, or issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board. The prohibition of this paragraph shall only apply to designated employees employed by a state administrative agency on or after January 7, 1991.

(2) For purposes of paragraph (1), a state administrative agency of a designated employee of the Governor's office includes any state administrative agency subject to the direction and control of the Governor.

(e) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to any individual

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subject to this section who is or becomes any of the following:

- (1) An officer or employee of another state agency, board, or commission if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission.
- (2) An official holding an elective office of a local government agency if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the local government agency.

(f) This section shall become operative on January 1, 1991, but only if Senate Constitutional Amendment No. 32 of the 1989-90 Regular Session is approved by the voters. With respect to Members of the Legislature whose current term of office on January 1, 1991, began in December 1988, this section shall not apply until January 1, 1993.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1990, Ch. 1075; amended by Stats. 1993, Ch. 230; amended by Stats. 1999, Ch. 10, effective April 15, 1999.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18746.1  
2 Cal. Code of Regs. Section 18746.2  
2 Cal. Code of Regs. Section 18746.4

§ 87406.1. Postgovernmental Employment Restrictions for Districts and District Boards.

(a) For purposes of this section, "district" means an air pollution control district or air quality management district and "district board" means the governing body of an air pollution control district or an air quality management district.

(b) No former member of a district board, and no former officer or employee of a district who held a position which entailed the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, shall, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that district board, or any committee, subcommittee, or present member of that district board, or any officer or employee of the district, if the appearance or communication is made for the purpose of influencing regulatory action.

(c) Subdivision (b) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another district or an employee or representative of a public agency.

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(d) This section applies to members and former members of district hearing boards.

History: Added by Stats. 1994, Ch. 747.  
Regulations: 2 Cal. Code of Regs. Section 18746.2

§ 87406.3. Postgovernmental Employment Restrictions for Local Officials.

(a) A local elected official, chief administrative officer of a county, city manager, or general manager or chief administrator of a special district who held a position with a local government agency as defined in Section 82041 shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

(b) Subdivision (a) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another local government agency or an employee or representative of a public agency and is appearing or communicating on behalf of that agency.

(c) Nothing in this section shall preclude a local government agency from adopting an ordinance or policy that restricts the appearance of a former local official before that local government agency if that ordinance or policy is more restrictive than subdivision (a).

(d) Notwithstanding Sections 82002 and 82037, the following definitions shall apply for purposes of this section only:

- (1) "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.
- (2) "Legislative action" means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a

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member or employee of the legislative body of the local government agency acting in his or her official capacity.

(e) This section shall become operative on July 1, 2006.  
History: Added by Stats. 2005, Ch. 680, operative July 1, 2006.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18746.2  
2 Cal. Code of Regs. Section 18746.3  
2 Cal. Code of Regs. Section 18746.4

§ 87407. Influencing Prospective Employment.

No public official shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 2003, Ch. 778.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18747

Article 4.5. Disqualification of State Officers and Employees.

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.

(a) In addition to the provisions of Article 1 (commencing with Section 87100), no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family, has engaged in any business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property, or the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more within 12 months prior to the time the official action is to be performed.

(b) As used in subdivision (a), "state administrative official" has the same meaning as defined in Section 87400.

History: Added by Stats. 1986, Ch. 653.  
References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18229.1

Article 4.6. Loans to Public Officials.

- § 87460. Loans to Public Officials.
- § 87461. Loan Terms
- § 87462. Personal Loans.

§ 87460. Loans to Public Officials.

(a) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(b) No public official who is required to file a statement of economic interests pursuant to Sections 87200 and no public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(c) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(d) No public official who is required to file a statement of economic interests pursuant to Section 87200 and no public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by

banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(e) This section shall not apply to the following:

- (1) Loans made to the campaign committee of an elected officer or candidate for elective office.
- (2) Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
- (3) Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
- (4) Loans made, or offered in writing, before the operative date of this section.

History: Added by Stats. 1997, Ch. 638.

Regulations at the time of publication (see page 3):

Opinions: In re Roberts (2004) 17 PPPC Ops. 9

**§ 87461. Loan Terms.**

(a) Except as set forth in subdivision (b), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(b) This section shall not apply to the following types of loans:

- (1) Loans made to the campaign committee of the elected officer.
- (2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

History: Added by Stats. 1997, Ch. 638.

Regulations at the time of publication (see page 3):

Opinions: In re Roberts (2004) 17 PPPC Ops. 9

(3) Loans made, or offered in writing, before the operative date of this section.

(c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229

Opinions: In re Roberts (2004) 17 PPPC Ops. 9

**§ 87462. Personal Loans.**

(a) Except as set forth in subdivision (b), a personal loan shall become a gift to the debtor for the purposes of this title in the following circumstances:

- (1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
- (2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - (A) The date the loan was made.
  - (B) The date the last payment of one hundred dollars (\$100) or more was made on the loan.
- (3) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(b) This section shall not apply to the following types of loans:

- (1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
- (2) A loan that would otherwise not be a gift as defined in this title.
- (3) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor has taken reasonable action to collect the balance due.
- (4) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- (5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

**Article 5. Filing.**  
**§ 87500.1**  
 Statements of Economic Interests-Where to File.  
**§ 87500.1.1** Statements of Economic Interests-Electronic Filing; Pilot Program.

**§ 87500. Statements of Economic Interests - Where to File.**

Statements of economic interests required by this chapter shall be filed as follows:

- (a) Statewide elected officer - one original with the agency, which shall make and retain a copy, forward a copy to the Secretary of State, and forward the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy to the Clerk of the City and County of San Francisco. The commission shall be the filing officer.
- (b) Candidates for statewide elective office - one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy to the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(c) Members of the Legislature and Board of Equalization - one original with the agency, which shall make and retain a copy, forward a copy to the Secretary of State, and forward the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy to the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(d) Candidates for the Legislature or the State Board of Equalization - one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy to the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(e) Judges and court commissioners - one original with the clerk of the court, who shall make and retain a copy and forward the original to the commission, which shall be the filing officer. Original statements of candidates for the offices of judge shall be filed with the person with whom the candidate's declaration of candidacy is filed, who shall retain a copy and forward the original to the commission, which shall be the filing officer.

(f) Except as provided for in subdivision (k), heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body - one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body, which shall be the filing officer. The code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

(g) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body - one original to the agency or board or commission, which shall be the filing officer.

elections official of any one county. The commission shall be the filing officer.

(e) Persons holding the office of chief administrative officer and candidates for and persons holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors - one original with the county clerk, who shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(f) Persons holding the office of city manager or, if there is no city manager, the chief administrative officer, and candidates for and persons holding the office of city council member, city treasurer, city attorney, and mayor - one original with the city clerk, who shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(g) Members of the Public Utilities Commission, members of the State Energy Resources Commission, and Development Commission, planning commissions, and members of the California Coastal Commission - one original with the agency, which shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(h) Members of the Fair Political Practices Commission - one original with the commission, which shall make and retain a copy and forward the original to the office of the Attorney General, which shall be the filing officer.

(i) Judges and court commissioners - one original with the clerk of the court, who shall make and retain a copy and forward the original to the commission, which shall be the filing officer. Original statements of candidates for the offices of judge shall be filed with the person with whom the candidate's declaration of candidacy is filed, who shall retain a copy and forward the original to the commission, which shall be the filing officer.

(j) Except as provided for in subdivision (k), heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body - one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body, which shall be the filing officer. The code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

(k) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body - one original to the agency or board or commission, which shall be the filing officer.

officer, unless, at its discretion, the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall be filed with the agency, board, or commission, which shall make and retain a copy and forward the original to the Fair Political Practices Commission.

(l) Designated employees of the Legislature -- one original with the house of the Legislature by which the designated employee is employed. Each house of the Legislature may provide that the originals of statements filed by its designated employees be filed directly with the commission, and that no copies be retained by that house.

(m) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87550 -- the original of the statement with the commission, which shall be the filing officer, and with each agency with which they are under contract, a statement declaring that their statement of economic interests is on file with the commission and available upon request.

(n) Members of a state licensing or regulatory board, bureau, or commission -- one original with the agency, which shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(o) Persons not mentioned above -- one original with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

History: Added by Stats. 1979, Ch. 674, amended by Stats. 1983, Ch. 214, amended by Stats. 1984, Ch. 1368, amended by Stats. 1985, Ch. 611, amended by Stats. 1988, Ch. 708, amended by Stats. 1993, Ch. 1140, amended by Stats. 1994, Ch. 405, amended by Stats. 1998, Ch. 1140, amended by Stats. 2007, Ch. 346.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18115 2 Cal. Code of Regs. Section 18227 2 Cal. Code of Regs. Section 18722.5 2 Cal. Code of Regs. Section 18735.5 2 Cal. Code of Regs. Section 18753

§ 87500.1. Statements of Economic Interests -- Electronic Filing; Pilot Program.

(a) The Counties of Los Angeles, Merced, Orange, and Stanislaus may permit the electronic filing of a statement of economic interests required by Article 3 (commencing with Section 87300) in accordance with regulations adopted by the Commission. Each participating county shall use the standard form for electronic filing found online, as required by the Commission.

(D) Available information relating to feedback from electronic filing participants.

(E) Any other relevant information on the implementation of the pilot program.

(2) The Commission shall transmit the county reports received, as well as any comments on the reports to the Legislative Analyst's Office not later than August 15, 2011. The Legislative Analyst's Office shall provide a report to the Legislature evaluating the pilot program not later than February 1, 2012.

(h) The Commission, in conjunction with the Legislative Analyst's Office, may develop additional criteria for the report to be submitted to the Commission by participating counties pursuant to paragraph (1) of subdivision (g).

(i) This section shall remain in effect until March 1, 2012, and as of that date is repealed, unless a later enacted statute, which is enacted before March 1, 2012, deletes or extends that date.

History: Added by Stats. 2008, Ch. 498, amended by Stats. 2009, Ch. 139.

Chapter 8. Ballot Pamphlet. § 88000 - 88007

§ 88000. Responsibility.

§ 88001. Contents.

§ 88002. Format.

§ 88002.5. Summary.

§ 88003. Duties of Legislative Analyst.

§ 88004. Manner, Form of Printing Measures.

§ 88005. Printing Specifications.

§ 88005.5. Duties of Legislative Counsel.

§ 88006. Public Examination of Pamphlet.

§ 88007. Amendment of Chapter by Legislature.

§ 88000. Responsibility.

The ballot pamphlet shall contain all of the prepared by the Secretary of State.

§ 88001. Contents.

The ballot pamphlet shall contain all of the following:

(a) A complete copy of each state measure.

(b) A copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by each state measure.

(c) A copy of the arguments and rebuttals for and against each state measure.

(d) A copy of the analysis of each state measure.

(e) Tables of contents, indexes, art work, graphics and other materials which the Secretary of

State determines will make the ballot pamphlet easier to understand or more useful for the average voter. (f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county clerk upon request. (g) A written explanation of the judicial retention procedure as required by Section 9083 of the Elections Code.

History: Amended by Stats. 1977, Ch. 520, amended by Stats. 1991, Ch. 491, amended by Stats. 1994, Ch. 923. References at the time of publication (see page 3): Opinions: In re Miller (1978) 4 FPCC Ops. 26 In re Bingham (1976) 2 FPCC Ops. 10

§ 88002. Format.

The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section: (a) Upon the top portion of the first page and not exceeding one-third of the page shall appear: (1) The identification of the measure by number and title. (2) The official summary prepared by the Attorney General. (3) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: --Arguments printed on this page are the opinions of

§ 88002.5.

The authors and have not been checked for accuracy by any official agency."

History: Amended by Stats. 1990, Ch. 1430.

§ 88002.5. Summary.

(a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

History: Added by Stats. 1993, Ch. 156, amended by Stats. 1990, Ch. 312.

§ 88003. Duties of Legislative Analyst.

The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his or her analysis. Prior to submission of the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative Analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be

§ 88007.

from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

History: Amended by Stats. 1996, Ch. 724.

§ 88007. Amendment of Chapter by Legislature.

Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

Chapter 9. Incumbency.

§ 89000 - 89001

§ 89000. Order of Names on Ballot.

§ 89001. Newsletter or Mass Mailing.

§ 89002. Order of Names on Ballot.

§ 89003. Newsletter or Mass Mailing.

§ 89004. Public Examination of Pamphlet.

§ 89005. Duties of Legislative Counsel.

§ 89006. Public Examination of Pamphlet.

§ 89501.

Article 1. Honoraria.

§ 89500 - 89503.5

§ 89500. Chapter Title.

§ 89501. Statements of Economic Interests - Where to File; Regulatory or Licensing Boards, Bureaus or Commissions.

§ 89502. Honoraria.

§ 89503. Gift Limits.

§ 89503.5. Operation of Article. [Repealed]

§ 89504. Chapter Title.

§ 89505. Honoraria.

§ 89506. Honoraria.

§ 89507. Honoraria.

§ 89508. Honoraria.

§ 89509. Honoraria.

§ 89510. Honoraria.

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§ 89574. Honoraria.

§ 89575. Honoraria.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18770

- 2 Cal. Code of Regs. Section 18930
- 2 Cal. Code of Regs. Section 18931.1
- 2 Cal. Code of Regs. Section 18931.2
- 2 Cal. Code of Regs. Section 18931.3
- 2 Cal. Code of Regs. Section 18932
- 2 Cal. Code of Regs. Section 18932.1
- 2 Cal. Code of Regs. Section 18932.2
- 2 Cal. Code of Regs. Section 18932.3
- 2 Cal. Code of Regs. Section 18932.4
- 2 Cal. Code of Regs. Section 18932.5
- 2 Cal. Code of Regs. Section 18933
- 2 Cal. Code of Regs. Section 18941.1
- 2 Cal. Code of Regs. Section 18941.2
- 2 Cal. Code of Regs. Section 18946.2
- 2 Cal. Code of Regs. Section 18946.6
- 2 Cal. Code of Regs. Section 18950.1

§ 89502. Honorarium.

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept any honorarium.

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept any honorarium. A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 8421.4 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission and no designated employee of a state or local government agency shall accept an honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

History: Added by Stats. 1990, Ch. 84, repealed and new section added by Stats. 1995, Ch. 690, amended by Stats. 1996, Ch. 1056.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730

- 2 Cal. Code of Regs. Section 18736
- 2 Cal. Code of Regs. Section 18730
- 2 Cal. Code of Regs. Section 18736
- 2 Cal. Code of Regs. Section 18736
- 2 Cal. Code of Regs. Section 18940.2
- 2 Cal. Code of Regs. Section 18941
- 2 Cal. Code of Regs. Section 18941.1
- 2 Cal. Code of Regs. Section 18942
- 2 Cal. Code of Regs. Section 18942.1
- 2 Cal. Code of Regs. Section 18942.2
- 2 Cal. Code of Regs. Section 18945
- 2 Cal. Code of Regs. Section 18946.2
- 2 Cal. Code of Regs. Section 18946.6
- 2 Cal. Code of Regs. Section 18950.1

§ 89503. Gift Limits.

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 8421.4 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1994, Ch. 1105, repealed by Stats. 1995, Ch. 690.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the Commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1993, Ch. 769, repealed and new section added by Stats. 1995, Ch. 690, amended by Stats. 1996, Ch. 1056.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18703.4
- 2 Cal. Code of Regs. Section 18730
- 2 Cal. Code of Regs. Section 18736
- 2 Cal. Code of Regs. Section 18940
- 2 Cal. Code of Regs. Section 18940.2
- 2 Cal. Code of Regs. Section 18941
- 2 Cal. Code of Regs. Section 18941.1
- 2 Cal. Code of Regs. Section 18942
- 2 Cal. Code of Regs. Section 18942.1
- 2 Cal. Code of Regs. Section 18942.2
- 2 Cal. Code of Regs. Section 18945
- 2 Cal. Code of Regs. Section 18946.2
- 2 Cal. Code of Regs. Section 18946.6
- 2 Cal. Code of Regs. Section 18950
- 2 Cal. Code of Regs. Section 18950.1
- 2 Cal. Code of Regs. Section 18950.3

Opinions: In re Shih (2006) 14 PPRC Op. 7

§ 89503.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84, repealed by Stats. 1991, Ch. 857.

§ 89505.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84, repealed by Stats. 1991, Ch. 857.

Article 3. Travel.

§ 89506. Travel Payments, Advances and Reimbursements.

§ 89507. Operation of Article. [Repealed]

§ 89506. Travel Payments, Advances and Reimbursements.

(a) Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited or limited by this chapter if either of the following apply:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elected state office or local elected office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding the day of and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in subdivision (a) are subject to the limits in Section 89503.

(c) Subdivision (b) applies only to travel that is reported on the recipient's statement of economic interests.

(d) For purposes of this section, a gift of travel does not include any of the following:

(1) Travel that is paid for from campaign funds, as permitted by Article 4 (commencing with Section 89510), or that is a contribution.

(2) Travel that is provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 87200, or a designated employee.

(3) Travel that is reasonably necessary in connection with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(4) Travel that is excluded from the definition of a gift by any other provision of this title.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 674, amended by Stats. 1994, Ch. 1105, amended by Stats. 1995, Ch. 690, amended by Stats. 1997, Ch. 435, effective September 24, 1997.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18930
- 2 Cal. Code of Regs. Section 18931.1
- 2 Cal. Code of Regs. Section 18931.2
- 2 Cal. Code of Regs. Section 18931.3
- 2 Cal. Code of Regs. Section 18932
- 2 Cal. Code of Regs. Section 18932.1
- 2 Cal. Code of Regs. Section 18932.2
- 2 Cal. Code of Regs. Section 18932.3
- 2 Cal. Code of Regs. Section 18932.4
- 2 Cal. Code of Regs. Section 18932.5
- 2 Cal. Code of Regs. Section 18933
- 2 Cal. Code of Regs. Section 18940
- 2 Cal. Code of Regs. Section 18940.2
- 2 Cal. Code of Regs. Section 18941
- 2 Cal. Code of Regs. Section 18941.1
- 2 Cal. Code of Regs. Section 18945.2
- 2 Cal. Code of Regs. Section 18946.2
- 2 Cal. Code of Regs. Section 18946.6
- 2 Cal. Code of Regs. Section 18950
- 2 Cal. Code of Regs. Section 18950.1
- 2 Cal. Code of Regs. Section 18950.3

**§ 89507. Operation of Article. [Repealed]**  
 History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 1271.

**Article 4. Campaign Funds.**  
**§ 89510 - 89522**

- § 89510. Acceptable Contributions.
- § 89511. Campaign Funds Held by Candidates and Committees.
- § 89511.5. Use of Personal Funds for Incumbent Elected Officers.
- § 89512. Expenditures Associated with Seeking or Holding Office.
- § 89512.5. Expenditures by Committees not Controlled by Candidates.
- § 89513. Use of Campaign Funds for Specific Activities.

- § 89514. Use of Campaign Funds for Attorney's Fees.
- § 89515. Use of Campaign Funds for Donations and Loans.
- § 89516. Use of Campaign Funds for Vehicle Expenses.
- § 89517. Use of Campaign Funds for Real Property, Appliances or Equipment.
- § 89517.5. Use of Campaign Funds for Security System.
- § 89518. Use of Campaign Funds for Compensation.
- § 89519. Use of Surplus Campaign Funds.
- § 89520. Violations.
- § 89521. Unlawful Honorarium, Gift or Expenditure.
- § 89522. Campaign Funds; Prohibited Use Under Elections Code.

**§ 89510. Acceptable Contributions.**

(a) A candidate for elective state office may only accept contributions within the limits provided in Chapter 5 (commencing with Section 85100).

(b) All contributions deposited into the campaign account shall be deemed to be held in trust for or for expenses associated with the election of the candidate or for expenses associated with holding office.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election], amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 184217

**§ 89511. Campaign Funds Held by Candidates and Committees. [Previously § 85800.]**  
 (a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, "committee" means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(3) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign

funds which results in a direct personal benefit, with a value of more than two hundred dollars (\$200) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

(4) For purposes of this article, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546, amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229
- 2 Cal. Code of Regs. Section 18229.1
- 2 Cal. Code of Regs. Section 18421.7
- 2 Cal. Code of Regs. Section 18960

Opinions: In re Roberts, (2004) 17 PPSC Ops. 9

**§ 89511.5. Use of Personal Funds for Incumbent Elected Officers.**

(a) An incumbent elected officer may utilize his or her personal funds for expenditures authorized by subdivision (b) of Section 89510 without first depositing those funds in his or her controlled committee's campaign bank account, if both of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The treasurer of the committee is provided with a dated receipt and a written description of the expenditure.

(b) An incumbent elected officer may be reimbursed for expenditures of his or her personal funds, from either the controlled committee campaign bank account established pursuant to Section 85201 with respect to election to the incumbent term of office, or from a controlled committee campaign bank account established pursuant to Section 85201 with respect to election to a future term of office, if all of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The incumbent elected officer, prior to reimbursement, provides the treasurer of the committee with a dated receipt and a written description of each expenditure.

(3) Reimbursement is paid within 90 days of the expenditure, in the case of a cash expenditure, or within 90 days of the end of the billing period in which it was included, in the case of an expenditure charged to a credit card or charge account.

(c) When the elected officer's controlled committee is notified that expenditures totaling one hundred dollars (\$100) or more in a fiscal year have been made by the incumbent elected officer, the committee shall report, pursuant to subdivision (k) of

Section 84211, the expenditures on the campaign statement for the period in which the expenditures were made and the reimbursements on the campaign statement for the period in which the reimbursements were made.

(d) If reimbursement is not paid within the time authorized by this section, the expenditure shall be reported on the campaign statement as a nonmonetary contribution received on the 90th day after the expenditure is paid, in the case of a cash expenditure, or within 90 days of the end of the billing period in which it was included, in the case of an expenditure charged to a credit card or charge account.

(e) This section shall not be construed to authorize an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those expenses associated with his or her election to the specific office for which the account was established and expenses associated with holding that office.

History: Added by Stats. 1990, Ch. 1075, amended by Stats. 2007, Ch. 348.

**§ 89512. Expenditures Associated with Seeking or Holding Office. [Previously § 85801.]**

An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

History: Added by Stats. 1990, Ch. 84.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.7

**§ 89512.5. Expenditures by Committees not Controlled by Candidates.**

(a) Subject to the provisions of subdivision (b), any expenditure by a committee not subject to the trust imposed by subdivision (b) of Section 89510 shall be reasonably related to a political, legislative, or governmental purpose of the committee.

(b) Any expenditure by a committee that confers a substantial personal benefit on any individual or individuals with authority to approve the expenditure of campaign funds held by the committee, shall be directly related to a political, legislative, or governmental purpose of the committee.

History: Added by Stats. 1991, Ch. 546.

**§ 89513. Use of Campaign Funds for Specific Activities. [Previously § 85802.]**

This section governs the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that this section guide the interpretation of the standard imposed by Section 89512 as applied to other expenditures not specifically set forth in this section.

(a)(1) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(2) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet standards similar to the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(3) For the purposes of this section, payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

(4) Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, the expenditure shall be reported as required by Section 8421.

(5) Whenever campaign funds are used to pay or reimburse for travel expenses and necessary accommodations, any mileage credit that is earned or awarded pursuant to an airline bonus mileage program shall be deemed personally earned by or awarded to the individual traveler. Neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be subject to reporting pursuant to Section 8421.

(b)(1) Campaign funds shall not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

(2) Expenditures by a committee to pay for professional services reasonably required by the committee to assist it in the performance of its

administrative functions are directly related to a political, legislative, or governmental purpose.

(3) Campaign funds shall not be used to pay health-related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of his or her household. "Health-related expenses" includes, but is not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors; expenses for medications, treatments or medical equipment, and expenses for hospitalization, health club dues, and special dietary foods. However, campaign funds may be used to pay employee costs of health care benefits of a bona fide employer or independent contractor of the committee.

(c) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(1) Parking citations incurred in the performance of an activity that was directly related to a political, legislative, or governmental purpose.

(2) Any other action for which payment of attorney's fees from contributions would be permitted pursuant to this title.

(d) Campaign funds shall not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, including, but not limited to, formal wear, if this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.

(e)(1) Except where otherwise prohibited by law, campaign funds may be used to purchase or reimburse for the costs of purchase of tickets to political fundraising events for the attendance of a candidate, elected officer, or his or her immediate family, or an officer, director, employee, or staff of the committee or the elected officer's governmental agency.

(2) Campaign funds shall not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of his or her immediate family, or an officer, director, employee, or staff of the committee, unless their attendance at the event is directly related to a political, legislative, or governmental purpose.

(3) The purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family are governed by subdivision (f).

(f)(1) Campaign funds shall not be used to make personal gifts unless the gift is directly related to a

political, legislative, or governmental purpose. The refund of a campaign contribution does not constitute the making of a gift.

(2) Nothing in this section shall prohibit the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or committee while on vacation, leave, or otherwise outside of compensated public time.

(3) An election victory celebration or similar campaign event, or gifts with a total cumulative value of less than two hundred fifty dollars (\$250) in a single year made to an individual employee, a committee worker, or an employee of the elected officer's agency, are considered to be directly related to a political, legislative, or governmental purpose. For purposes of this paragraph, a gift to a member of a person's immediate family shall be deemed to be a gift to that person.

(6) Campaign funds shall not be used to make loans other than to organizations pursuant to Section 89515, or unless otherwise prohibited, to a candidate for elective office, political party, or committee.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1990, Ch. 175, amended by Stats. 1991, Ch. 155, amended by Stats. 2006, Ch. 538, amended by Stats. 2007, Ch. 130.

References are to the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18421.7

**§ 89514. Use of Campaign Funds for Attorney's Fees. [Previously § 85802.5.]**

Expenditures of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose except where the litigation is directly related to activities of a committee that are consistent with its primary objectives or arises directly out of a committee's activities or out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546.

**§ 89515. Use of Campaign Funds for Donations and Loans. [Previously § 85803.]**

Campaign funds may be used to make donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt nonprofit

organizations, where no substantial part of the proceeds will have a material financial effect on the candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or member of his or her immediate family, and where the donation or loan bears a reasonable relation to a political, legislative, or governmental purpose.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546.

References are to the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229.1

**§ 89516. Use of Campaign Funds for Vehicle Expenses. [Previously § 85804.]**

Notwithstanding Sections 89512 and 89513, this section governs the use of campaign funds for vehicle expenses.

(a) Campaign funds shall not be used to purchase a vehicle unless both of the following apply:

(1) Title to the vehicle is held by the committee and not the candidate, elected officer, campaign treasurer, or any other individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or a member of his or her immediate family.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(b) Campaign funds shall not be used to lease a vehicle unless both of the following apply:

(1) The lessee is the committee, or a state or local government agency and not the candidate, elected officer, or a member of his or her immediate family; or the lessor is a state or local government agency.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(c) Campaign funds may be used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for any vehicle for which campaign funds may be spent pursuant to this section.

(d) Campaign funds may be used to reimburse a candidate, elected officer, his or her immediate family, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or an employee or member of the staff of the committee or of the elected officer's governmental agency, for the use of his or her vehicle at the rate approved by the Internal Revenue Service pursuant to Section 162 of the Internal Revenue Code in connection with deductible mileage expenses under the federal income tax law, if both of the following requirements are met:



(1) The vehicle use for which reimbursement is sought is directly related to political, governmental, or legislative purposes.

(2) The specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.

(3) For the purposes of this section, use of a vehicle is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18561

**§ 89517. Use of Campaign Funds for Real Property, Appliances or Equipment. [Previously § 85805.]**

(a) Campaign funds shall not be used for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment, where the lessee or sublessor is, or the legal title resides, in whole or in part, in a candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds, or member of his or her immediate family.

(b) Campaign funds shall not be used to purchase real property. Except as prohibited by subdivision (a), campaign funds may be used to lease real property for up to one year at a time where the use of that property is directly related to political, legislative, or governmental purposes.

(c) For the purposes of this section, real property, appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18561

**§ 89517.5. Use of Campaign Funds for Security System.**

Notwithstanding Section 89517, campaign funds may be used to pay, or reimburse the state, for the costs of installing and monitoring an electronic security system in the home or office, or both, of a

candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the Commission. The report to the Commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. The candidate or elected officer shall reimburse the campaign fund account for the costs of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time the property is sold.

History: Added by Stats. 1993, Ch. 1143.

**§ 89518. Use of Campaign Funds for Compensation. [Previously § 85806.]**

(a) Campaign funds shall not be used to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

(b) Campaign funds shall not be used to compensate any individual or individuals with authority to approve the expenditure of campaign funds for the performance of political, legislative, or governmental activities, except as provided in subdivision (b) of Section 89513, and for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546.

**§ 89519. Use of Surplus Campaign Funds.**

(a) Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100).

(b) Surplus campaign funds shall be used only for the following purposes:

(1) The payment of outstanding campaign debts or elected officer's expenses.

(2) The repayment of contributions.

(3) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

(4) Contributions to a political party committee, provided the campaign funds are not used to support or oppose candidates for elective office. However, the campaign funds may be used by a political party committee to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as that term is defined in Section 82048.3.

(5) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

(6) The payment for professional services reasonably required by the committee to assist in the performance of its administrative functions, including payment for attorney's fees for litigation which arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought of a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

(c) For purposes of this section, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed an outstanding campaign debt or elected officer's expense, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and the telephone number of the law enforcement agency, and

a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds become surplus campaign funds. The candidate or elected officer shall reimburse the surplus fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds. The campaign funds become surplus campaign funds upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

History: Added by Stats. 1990, Ch. 84, amended by Stats. 1991, Ch. 546, amended by Stats. 1993, Ch. 1143, amended by Proposition 208 of the November 1996 Statewide General Election, repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229.1  
2 Cal. Code of Regs. Section 18530.4  
2 Cal. Code of Regs. Section 18531.2  
2 Cal. Code of Regs. Section 18551

Opinions: *In re Bryson* (2006) 19 FPPC Ops. 1

**§ 89520. Violations.**

The remedies provided in Chapter 11 (commencing with Section 91000) shall not apply to violations of this chapter.

History: Added by Stats. 1990, Ch. 84.

**§ 89521. Unlawful Honorarium, Gift or Expenditure.**

Any person who makes or receives an honorarium, gift, or expenditure in violation of this chapter is liable in a civil action brought by the Commission for an amount of up to three times the amount of the unlawful honorarium, gift, or expenditure.

History: Added by Stats. 1990, Ch. 84.

**§ 89522. Campaign Funds; Prohibited Use Under Elections Code.**

This chapter shall not be construed to permit an expenditure of campaign funds prohibited by Section 18680 of the Elections Code.

History: Added by Stats. 1991, Ch. 546, amended by Stats. 1994, Ch. 923

Chapter 10. Auditing.

§ 90000 - 90007

- § 90000. Responsibility.
- § 90001. Mandatory Audits and Investigations.
- § 90002. Audits and Investigations: Time.
- § 90003. Discretionary Audits.
- § 90004. Periodic Reports: Public Documents.
- § 90005. Confidentiality: Exception.
- § 90006. Audit and Investigation by Commission.
- § 90007. Auditing Guidelines and Standards.

§ 90000. Responsibility.

Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to the following:

- (a) Reports and statements filed with the Secretary of State under Chapter 4 (commencing with Section 84100), Chapter 5 (commencing with Section 85100), and Chapter 6 (commencing with Section 86100).

- (b) Local candidates and their controlled committees selected for audit pursuant to subdivision (i) of Section 90001.

History: Amended by Stats. 1987, Ch. 230, amended by Stats. 2004, Ch. 483.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18531.62
- 2 Cal. Code of Regs. Section 18993
- 2 Cal. Code of Regs. Section 18994
- 2 Cal. Code of Regs. Section 18995

§ 90001. Mandatory Audits and Investigations.

Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

- (a) Each lobbying firm and each lobbyist employer who employs one or more lobbyists shall be subject to an audit on a random basis with these lobbying firms or lobbyist employers having a 25-percent chance of being audited. When a lobbying firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer shall also be audited.

- (b) Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election for whom it is determined that twenty-five thousand dollars (\$25,000) or more in contributions have been raised or twenty-five thousand dollars (\$25,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or whose

participation in the direct primary or general election is primarily in support of his or her candidacy. Each statewide candidate whose contributions and expenditures are less than twenty-five thousand dollars (\$25,000) shall be subject to an audit on a random basis of 10 percent of the number of such candidates.

- (c) Each candidate for the Legislature or superior court judge in a direct primary or general election shall be subject to audit by random selection if it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been received or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy. Random selection shall be made of 25 percent of the Senate districts, 25 percent of the Assembly districts and 25 percent of the judicial offices contested in an election year.

- (d) Each candidate for the Legislature in a special primary or special runoff election for whom it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been raised or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy.

- (e) Each controlled committee of any candidate who is being audited pursuant to subdivision (b), (c), or (d).

- (f) Each committee, other than a committee specified in subdivision (c) of Section 82013, primarily supporting or opposing a candidate who is being audited pursuant to subdivision (b), (c), or (d) if it is determined that the committee has expended more than ten thousand dollars (\$10,000).

- (g) Each committee, other than a committee specified in subdivision (c) of Section 82013, whose participation is primarily in support of or in opposition to a state measure or state measures if it is determined that the committee has expended more than ten thousand dollars (\$10,000) on such measure or measures.

- (h) Each committee, other than a committee defined in subdivision (c) of Section 82013, a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if it is determined that the committee has raised or expended more than ten thousand dollars (\$10,000) supporting or opposing state candidates or state measures during any calendar year, except that if the Commission determines from an audit report that the committee is in substantial compliance with the

provisions of the act, the committee thereafter shall be subject to an audit on a random basis with each such committee having a 25-percent chance of being audited.

- (1) With respect to local candidates and their controlled committees, the Commission shall promulgate regulations which provide a method of selection for these audits.

- (2) With respect to candidates for the Board of Administration of the Public Employees' Retirement System, the Commission shall promulgate regulations that provide a method for selection of these audits. The Public Employees' Retirement System shall reimburse the Commission for all reasonable expenses incurred pursuant to this section.

- (i) In accordance with subdivisions (e), (b), (c), and (h), the Fair Political Practices Commission shall select by lot the persons or districts to be audited on a random basis. For campaign audits the selection shall be made in public after the last date for filing the first report or statement following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated. For lobbying firm and lobbyist employer audits, the selection shall be made in public in February of odd-numbered years.

History: Amended by Stats. 1978, Ch. 1411, amended by Stats. 1979, Ch. 551, amended by Stats. 1984, Ch. 1368, amended by Stats. 1985, Ch. 183, effective September 29, 1985, amended by Stats. 1986, Ch. 835, amended by Stats. 1994, Ch. 1139, amended by Stats. 1998, Ch. 923.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18433
- 2 Cal. Code of Regs. Section 18531.62
- 2 Cal. Code of Regs. Section 18601
- 2 Cal. Code of Regs. Section 18991
- 2 Cal. Code of Regs. Section 18993
- 2 Cal. Code of Regs. Section 18994
- 2 Cal. Code of Regs. Section 18995

§ 90002. Audits and Investigations: Time.

- (a) Audits and investigations of lobbying firms and lobbyist employers shall be performed on a biennial basis and shall cover reports filed during a period of two years.

- (b) If a lobbying firm or lobbyist employer keeps a separate account for all receipts and payments for which reporting is required by this chapter, the requirement of an audit under subdivision (a) of Section 90001 shall be satisfied by an audit of that account and the supporting documentation required to be maintained by Section 86110.

- (c) No audit or investigation of any candidate, controlled committee, or committee primarily

supporting or opposing a candidate or a measure in connection with a report or statement required by Chapter 4 of this title, shall begin until after the last date for filing the first report or statement following the general, runoff or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated, except that audits and investigations of statewide candidates, their controlled committees, and committees primarily supporting or opposing those statewide candidates who were defeated in the primary election and who are not required to file statements for the general election may begin after the last date for filing the first report or statement following the primary election. When the campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate are audited and investigated pursuant to Section 90001, the audit and investigation shall cover all campaign statements and reports filed for the primary and general or special or runoff elections and any previous campaign statement or report filed pursuant to Section 84200 or 84200.5 since the last election for that office, but shall exclude any statements or reports which have previously been audited pursuant to Section 90001 or 90003. When the campaign statements or reports of a committee primarily supporting or opposing a measure are audited and investigated, the audit and investigation shall cover all campaign statements and reports from the beginning date of the first campaign statement filed by the committee in connection with the measure. For all other committees, the audit and investigation shall cover all campaign statements filed during the previous two calendar years.

History: Amended by Stats. 1976, Ch. 564, amended by Stats. 1977, 1980, Ch. 42, amended by Stats. 1978, Ch. 1411, amended by Stats. 1980, Ch. 289, operative January 1, 1982, amended by Stats. 1985, Ch. 1456, amended by Stats. 1986, Ch. 905, amended by Stats. 1988, Ch. 442, amended by Stats. 1994, Ch. 1139.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18531.62
- 2 Cal. Code of Regs. Section 18996

§ 90003. Discretionary Audits.

In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the commission may make investigations and audits with respect to any reports or statements required by Chapter 4 (commencing with Section 84100), Chapter 5 (commencing with Section 85100), or Chapter 6 (commencing with Section 86100). History: Amended by Stats. 2004, Ch. 483.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18531.62
- 2 Cal. Code of Regs. Section 18996

**§ 90004. Periodic Reports: Public Documents.**  
 (a) The Franchise Tax Board shall periodically prepare reports, which, except as otherwise provided in this section, shall be sent to the commission, the Secretary of State, and the Attorney General. If the reports relate to candidates for or committee supporting or opposing candidates for the office of Attorney General, the reports shall be sent to the commission, the Secretary of State, and the District Attorneys of Los Angeles, Sacramento, and San Francisco Counties. If the reports relate to local candidates and their controlled committees, the reports shall be sent to the commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign reports pursuant to Section 84215, and the district attorney for the candidate's county of domicile.  
 (b) The Franchise Tax Board shall complete its report of any audit conducted on a random basis pursuant to Section 90001 within one year after the person or entity subject to the audit is selected by the commission to be audited.  
 (c) The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed. The Secretary of State and the local filing officer shall place the audit reports in the appropriate campaign statement or lobbying files.

History: Amended by Stats. 1976, Ch. 364, amended by Stats. 1979, Ch. 531, amended by Stats. 1987, Ch. 230, amended by Stats. 2004, Ch. 591, amended by Stats. 2005, Ch. 22.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18531.62  
 2 Cal. Code of Regs. Section 18993  
 2 Cal. Code of Regs. Section 18995

**§ 90005. Confidentiality; Exception.**  
 No member, employee or agent of the Franchise Tax Board shall divulge or make known in any manner any particulars of any record, documents or information which he receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or in connection with any court proceeding or any lawful investigation of any agency.  
 History: Amended by Stats. 1976, Ch. 594, effective August 26, 1976.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18531.62

**§ 90006. Audit and Investigation by Commission.**  
 Audits and field investigations of candidates for Controller and member of the Board of Equalization

and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18531.62

**§ 90007. Auditing Guidelines and Standards.**  
 (a) The Commission shall adopt auditing guidelines and standards which shall govern audits and field investigations conducted under Section 90001. The guidelines and standards shall be formulated to accomplish the following purposes:  
 (1) The audits should encourage compliance and detect violations of this title.  
 (2) The audits should be conducted with maximum efficiency in a cost-effective manner, and  
 (3) The audits should be as unobtrusive as possible consistent with the foregoing purposes.  
 (b) In adopting its guidelines and standards the Commission shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.  
 History: Added by Stats. 1978, Ch. 779, effective September 18, 1978.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18531.62  
 2 Cal. Code of Regs. Section 18993  
 2 Cal. Code of Regs. Section 18995

**Chapter 11. Enforcement.**

**§ 91000 - 91015**

- § 91000. Violations: Criminal.
- § 91000.5 Administrative Proceedings.
- § 91001. Responsibility for Enforcement.
- § 91001.5 Authority of City Attorneys of Charter Cities.
- § 91002. Effect of Conviction.
- § 91003. Injunction.
- § 91003.5 Conflicts of Interest Violation.
- § 91004. Violations of Reporting Requirements: Civil Liability.
- § 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.
- § 91005.5 Civil Penalties.
- § 91006. Joint and Several Liability.
- § 91007. Procedure for Civil Actions.
- § 91008. Judgment on the Merits; Precedence; Dismissal.
- § 91008.5 Civil Action Precluded by Commission Order.

- § 91009. Considerations: Liability.
- § 91010. Campaign Disclosure Violations: Request to Civil Prosecutor.
- § 91011. Statute of Limitations.
- § 91012. Costs: Attorney Fees; Bond.
- § 91013. Late Filing of Statement or Report. Fees.

§ 91013.5. Collection of Penalties.  
 § 91014. Applicability of Other State Law.  
 § 91015. Liability for Violations: Criminal and Civil. [Repeated]

**§ 91000. Violations: Criminal.**

(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.  
 (b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report, properly or unlawfully contributed, expended, gave, or received may be imposed upon conviction for each violation.  
 (c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.  
 History: Amended by Stats. 1978, Ch. 1411, amended by Proposition 208 of the November 1996 Statewide General Election, repealed and added by Stats. 2000, Ch. 162 [Proposition 34 of the November Statewide General Election].

**§ 91000.5. Administrative Proceedings.**

No administrative action brought pursuant to Chapter 3 (commencing with Section 83100) alleging a violation of any of the provisions of this title shall be commenced more than five years after the date on which the violation occurred.  
 (a) The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.

(b) If the person alleged to have violated this title engages in the fraudulent concealment of his or her acts or identity, the five-year period shall be tolled for the period of concealment. For purposes of this subdivision, "fraudulent concealment" means the person knows of material facts related to his or her duties under this title and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.  
 (c) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under Chapter 3 (commencing with Section 83100), the person alleged

to have violated this title fails to produce documents in response to the order by the date ordered to comply therewith, the five-year period shall be tolled for the period of the delay from the date of filing of the motion to compel until the date of the documents are produced.  
 History: Added by Stats. 1997, Ch. 179.  
 References at the time of publication (see page 3):  
 Regulations: 2 Cal. Code of Regs. Section 18610  
 2 Cal. Code of Regs. Section 18612  
 2 Cal. Code of Regs. Section 18613

**§ 91001. Responsibility for Enforcement.**

(a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the Attorney General.  
 (b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the Commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the Commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the Commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the Commission.

(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.  
 History: Amended by Stats. 1976, Ch. 1161, repealed and replaced as amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1979, Ch. 357.

**§ 91001.5. Authority of City Attorneys of Charter Cities.**

In any case in which a district attorney could act as the civil or criminal prosecutor under the provisions of this title, the elected city attorney of any charter city may act as the civil or criminal prosecutor with respect to any violations of this title occurring within the city.  
 History: Added by Stats. 1976, Ch. 594, effective August 26, 1976.

**§ 91002. Effect of Conviction.**

No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act

as a lobbyist for a period of four years following the date of the conviction unless the court at the time of the sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

#### § 91003. Injunction.

(a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this title. The court may in its discretion require any plaintiff other than the Commission to file a complaint with the Commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney's fees.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 (commencing with Section 87100), Article 4 (commencing with Section 87400), or Article 4.5 (commencing with Section 87450) of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include, but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

History: Amended by Stats. 1976, Ch. 1161; amended by Stats. of 1987, Ch. 628.

#### § 91003.5. Conflicts of Interest Violation.

Any person who violates a provision of Article 2 (commencing with Section 87200), 3 (commencing with Section 87300), or 4.5 (commencing with Section 87450) of Chapter 7 is subject to discipline by his or her agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

History: Amended by Stats. 1986, Ch. 653.

#### § 91004. Violations of Reporting Requirements; Civil Liability.

Any person who intentionally or negligently violates any of the reporting requirements of this title shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

History: Amended by Proposition 208 of the November 1996 Statewide General Election, repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].  
References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18427

#### § 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.

(a) Any person who makes or receives a contribution, gift, or expenditure in violation of Section 84300, 84304, 86203, or 86204 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to one thousand dollars (\$1,000) or three times the amount of the unlawful contribution, gift, or expenditure, whichever amount is greater.

(b) Any designated employee or public official specified in Section 87200, except an elected state officer, who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a conflict of interest code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

History: Amended by Stats. 1997, Ch. 435, effective September 24, 1997; amended by Stats. 2000, Ch. 130.

#### § 91005.5. Civil Penalties.

Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars (\$5,000) per violation.

No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000. The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.

History: Amended by Stats. 1982, Ch. 727; amended by Proposition 208 of the November 1996 Statewide General Election. Repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

#### § 91006. Joint and Several Liability.

If two or more persons are responsible for any violation, they shall be jointly and severally liable. History: Amended by Proposition 208 of the November 1996 Statewide General Election, repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

#### § 91007. Procedure for Civil Actions.

(a) Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond to the person in writing, indicating whether he or she intends to file a civil action.

(1) If the civil prosecutor responds in the affirmative and files suit within 120 days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91008.

(2) If the civil prosecutor responds in the negative within 120 days from receipt of the written request to commence the action, the person requesting the action may proceed to file a civil action upon receipt of the response from the civil prosecutor. If, pursuant to this subdivision, the civil prosecutor does not respond within 120 days, the civil prosecutor shall be deemed to have provided a negative written response to the person requesting the action on the 120<sup>th</sup> day and the person shall be deemed to have received that response.

(3) The time period within which a civil action shall be commenced, as set forth in Section 91011, shall be tolled from the date of receipt by the civil prosecutor of the written request to either the date that the civil action is dismissed without prejudice, or the date of receipt by the person of the negative response from the civil prosecutor, but only for a civil action brought by the person who requested the civil prosecutor to commence the action.

(b) Any person filing a complaint, cross-complaint or other initial pleading in a civil action pursuant to Sections 91003, 91004, 91005, or 91005.5 shall, within 10 days of filing the complaint, cross-complaint, or initial pleading, serve on the Commission a copy of the complaint, cross-complaint, or initial pleading or a notice containing all of the following:

- (1) The full title and number of the case.
- (2) The court in which the case is pending.
- (3) The name and address of the attorney for the person filing the complaint, cross-complaint, or other initial pleading.

(4) A statement that the case raises issues under the Political Reform Act.

(c) No complaint, cross-complaint, or other initial pleading shall be dismissed for failure to comply with subdivision (b).

History: Amended by Stats. 1985, Ch. 1240; amended by Stats. 1999, Ch. 577, effective September 29, 1999.

#### § 91008. Judgment on the Merits; Prejudices Dismissal.

Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

#### § 91008.5. Civil Action Precluded by Commission Order.

No civil action may be filed under Section 91004, 91005, or 91005.5 with regard to any person for any violations of this title after the Commission has issued an order pursuant to Section 83116 against that person for the same violation.

History: Added by Stats. 1984, Ch. 670.

#### § 91009. Considerations; Liability.

In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

#### § 91010. Campaign Disclosure Violations; Request to Civil Prosecutor.

No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 (commencing with Section 84100) until the time when

§ 91014. Applicability of Other State Law. Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

§ 91015. Liability for Violations; Criminal and Civil. [Repealed] History: Added by Stats. 1984, Ch. 670, repealed by Proposition 208 of the November 1996 Statewide General Election.

established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1977, Ch. 555, amended by Stats. 1985, Ch. 1280, amended by Stats. 1993, Ch. 1140.

References at the time of publication (see page 3):

- Opinions: In re Wood (2000) 13 FPPC Ops. 21; In re Landon (1975) 1 FPPC Ops. 113; In re Rundstrom (1975) 1 FPPC Ops. 188

§ 91013.5. Collection of Penalties.

(a) In addition to any other available remedies, the commission or the filing officer may bring a civil action and obtain a judgment in superior court for the purpose of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to this title. The action may be filed as a small claims, limited civil, or unlimited civil case, depending on the jurisdictional amount. The venue for this action shall be in the county where the monetary penalties, fees, or civil penalties were imposed by the commission or the filing officer. In order to obtain a judgment in a proceeding under this section, the commission or filing officer shall show, following the procedures and rules of evidence as applied in ordinary civil actions, all of the following:

- (1) That the monetary penalties, fees, or civil penalties were imposed following the procedures set forth in this title and implementing regulations.
(2) That the defendant or defendants in the action were notified, by actual or constructive notice, of the imposition of the monetary penalties, fees, or civil penalties.
(3) That a demand for payment has been made by the commission or the filing officer and full payment has not been received.
(a) A civil action brought pursuant to subdivision (a) shall be commenced within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.
History: Added by Stats. 1984, Ch. 670, amended by Stats. 2004, Ch. 483.

an audit and investigation could be begun under subdivision (c) Section 90002. History: Amended by Stats. 1992, Ch. 405.

§ 91011. Statute of Limitations.

(a) No civil action alleging a violation in connection with a report or statement required by Chapter 4 (commencing with Section 84100) shall be filed more than four years after an audit could begin as set forth in subdivision (c) of Section 90002, or more than one year after the Franchise Tax Board forwards its report to the commission, pursuant to Section 90004, of any audit conducted of the alleged violator, whichever period is less.

(b) No civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), shall be filed more than four years after the date the violation occurred.

History: Amended by Stats. 1978, Ch. 1411, amended by Stats. 1980, Ch. 482, amended by Stats. 1985, Ch. 55, effective September 24, 1997, amended by Stats. 2004, Ch. 391.

§ 91012. Costs; Attorney Fees; Bond.

The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

§ 91013. Late Filing of Statement or Report; Fees.

(a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18404. Termination of Candidate's and Committees' Filing Requirements.

(a) Major Donor and Independent Expenditure Committees. The filing obligations of a committee which qualifies pursuant to Government Code Section 82013(b) or (c) terminate at the end of the calendar year in which the committee qualified, except to the extent that additional campaign statements are required by Government Code Sections 84200, 84203, 84203.5, and 84204. If additional campaign statements are filed after the beginning of a new calendar year because the committee files a statement in connection with the qualification of a measure or a semi-annual statement covering activity for the period July 1 through December 31, the committee's filing obligations terminate when such statements have been filed.

(b) Recipient Committees. A treasurer of a committee which qualifies pursuant to Government Code Section 82013(a) may terminate the committee's status as a committee, only by completing the termination section on the Form 410 (Statement of Organization) declaring, under penalty of perjury, that the committee:

- (1) Has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future;
- (2) Has eliminated or has declared that it has no intention or ability to discharge all of its debts, loans received and other obligations;
- (3) Has no surplus funds; and
- (4) Has filed all required campaign statements disclosing all reportable transactions.

(c) Filing of Committee Terminations.

As specified in Government Code Section 84101(a), the committee shall file the original of the statement of organization declaring the committee's termination with the Secretary of State, and shall also file a copy of the statement of organization with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(d) Candidates and Officeholders. Pursuant to Government Code Section 82007, a candidate (which term includes an officeholder) is obligated to file campaign statements under the Act until his or her status as a candidate is terminated. An officeholder must file campaign statements required under the Act during the entire time the individual holds office. The filing obligations of a candidate or officeholder terminate as follows:

(1) Candidates or Officeholders with Committees. The filing obligations of a candidate or officeholder who has one or more controlled committees terminate when the individual has terminated all his or her controlled committee(s) and has left office.

(2) Candidates or Officeholders without Committees. The filing obligations of a candidate or officeholder who does not have a controlled committee, and who received contributions and made expenditures of less than \$ 1,000 in the calendar year and filed a Form 470, terminate at the end of the calendar year for which the Form 470 was filed if:

(A) the candidate lost, withdrew, or was not on the ballot in the election; or

(B) the individual left office during the calendar year; and

(C) the individual has ceased to receive contributions and make expenditures and has filed all required campaign statements.

(e) A candidate or a committee whose filing obligations have terminated remains subject

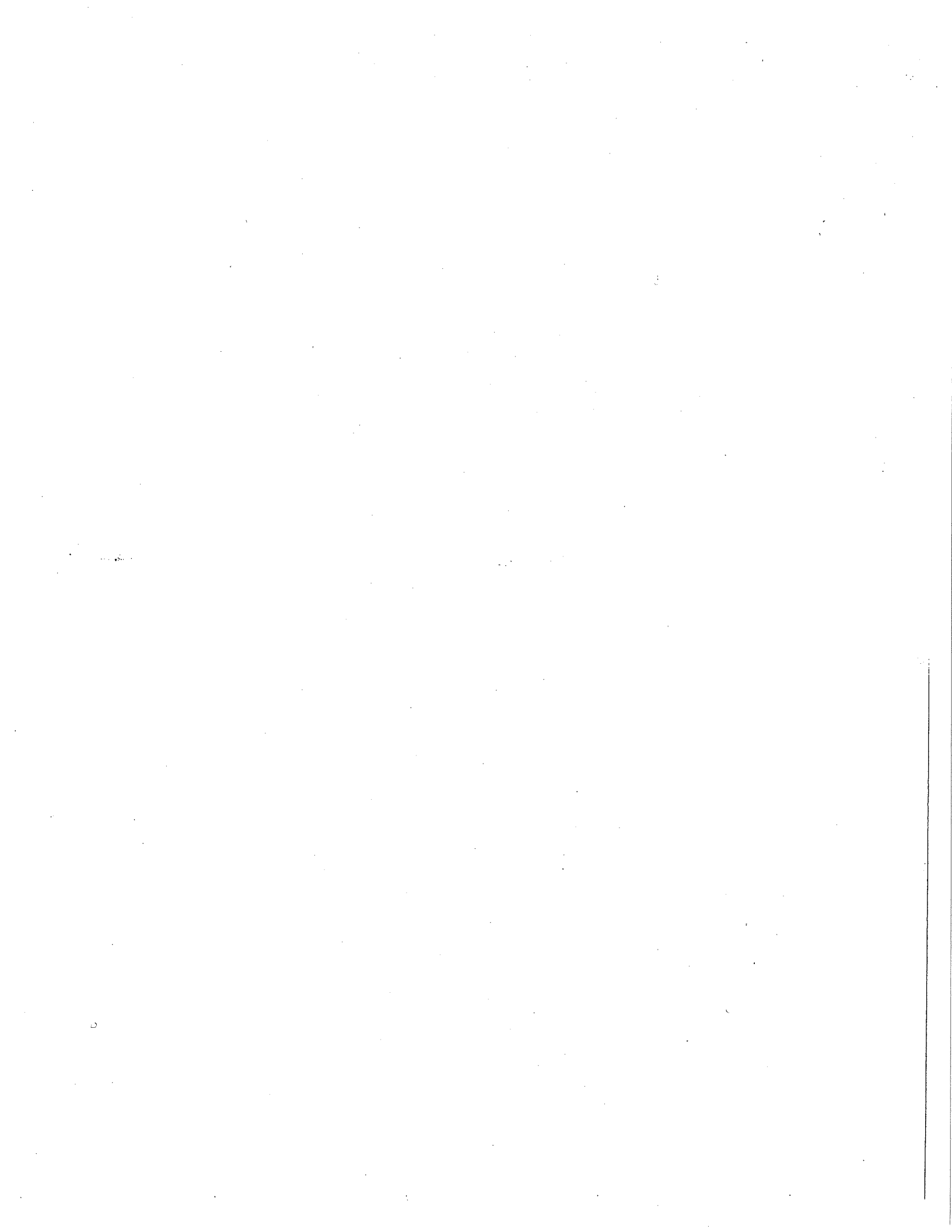
to all civil and criminal penalties and remedies for any violations of this title or any other provision of law.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82007, 84101 and 84214, Government Code.




#### HISTORY

1. New section filed 3-31-77; effective thirtieth day thereafter (Register 77, No. 14).
2. Amendment of subsection (a) filed 5-22-78; effective thirtieth day thereafter (Register 78, No. 21).
3. Amendment filed 2-17-82; effective thirtieth day thereafter (Register 82, No. 8).
4. Amendment of subsection (a) filed 3-3-86; effective thirtieth day thereafter (Register 86, No. 10).
5. Amendment of section and Note filed 9-30-99; operative 9-30-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 40).





## Campaign Finance Reform Ordinance

FONT SIZE

### San Francisco Campaign and Governmental Conduct Code

(Amendments operative March 6, 2013)

#### CHAPTER 1: CAMPAIGN FINANCE

- Sec. 1.100. Purpose and Intent.
- Sec. 1.102. Citation.
- Sec. 1.103. Amendment or Repeal of Chapter.
- Sec. 1.104. Definitions.
- Sec. 1.106. Adoption of General Law--Exceptions.
- Sec. 1.107. Training for Candidates and Treasurers
- Sec. 1.108. Candidate Campaign Contribution Trust Accounts and Campaign Contingency Accounts.
- Sec. 1.109. Retention of Records.
- Sec. 1.110. Campaign Statements--Public Access.
- Sec. 1.112. Electronic Campaign Disclosure.
- Sec. 1.113. Disclosure Requirements During Signature Gathering Periods for Initiatives, Referenda and Recalls.
- Sec. 1.114. Contribution Limits.
- Sec. 1.115. Coordination of Expenditures.
- Sec. 1.116. Limits on Loans to Candidates.
- Sec. 1.118. Payment of Accrued Expenses.
- Sec. 1.120. Contribution Limits--Post-Election Legal Proceedings.
- Sec. 1.122. Solicitation or Acceptance of Campaign Contributions--Limitations.
- Sec. 1.126. Contribution Limits--Contractors Doing Business with the City, the Unified School District and the Community College District.
- Sec. 1.128. Acceptance or Rejection of Voluntary Expenditure Ceilings.
- Sec. 1.130. Amount of Voluntary Expenditure Ceilings.
- Sec. 1.134. Lifting of Voluntary Expenditure Ceilings; Supplemental Reporting in Elections for Assessor, Public Defender, City Attorney, District Attorney, Treasurer, Sheriff, the Board of Education of the San Francisco Unified School District, or the Governing Board of the San Francisco Community College District.
- Sec. 1.135. Supplemental Pre-Election Statements.
- Sec. 1.136. Public Financing of Candidates for the Board of Supervisors or Mayor.
- Sec. 1.138. Election Campaign Fund; Appropriation of Funds.
- Sec. 1.140. Eligibility to Receive Public Financing.
- Sec. 1.142. Process for Establishing Eligibility; Certification by the Ethics Commission.
- Sec. 1.143. Adjusting Individual Expenditure Ceilings.
- Sec. 1.144. Disbursement of Public Funds.
- Sec. 1.146. Termination of Payments.
- Sec. 1.148. Restrictions on Use of Public Funds; Unexpended Public Funds.
- Sec. 1.150. Audit; Repayment.
- Sec. 1.152. Supplemental Reporting in Elections for Board of Supervisors and Mayor.
- Sec. 1.154. Insufficient Funds in Election Campaign Fund.
- Sec. 1.156. Report to the Mayor and Board of Supervisors.
- Sec. 1.160.5. Disclosure and Filing for Persuasion Polls.
- Sec. 1.161. Disclosure and Filing Requirements for Mass Mailings.
- Sec. 1.161.5. Disclosure and Filing Requirements for Electioneering Communications.
- Sec. 1.162. Disclosure Requirements--Campaign Advertisements.
- Sec. 1.163. Disclosure Requirements--Recorded Telephone Messages.
- Sec. 1.163.5. Distribution of Campaign Advertisements Containing False Endorsements.
- Sec. 1.164. Duties of Ethics Commission.
- Sec. 1.166. Duties of Enforcement Authority.
- Sec. 1.168. Enforcement; Advice.
- Sec. 1.170. Penalties.
- Sec. 1.171. Issuance of Subpoenas.
- Sec. 1.172. Extension of Deadlines that Fall on Weekends and Holidays.
- Sec. 1.174. Effect of Violation on Certification of Election Results.
- Sec. 1.175. Implementing Regulations; Forms.
- Sec. 1.176. Rules of Construction.
- Sec. 1.178. Severability.

#### SEC. 1.100. PURPOSE AND INTENT.

(a) Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. In addition, this fundraising distracts public officials seeking reelection from focusing upon important public matters, encourages contributions which may have a corrupting influence, gives incumbents an unfair fundraising advantage over potential challengers, and provides contributors with greater access to public officials than other members of the public. These developments undermine the integrity of the governmental process and the competitiveness of campaigns. The amount of money raised by many candidates and committees supporting or opposing candidates also erodes public confidence in local officials by creating the appearance that elected officials may be unduly influenced by contributors who support their campaigns or oppose their opponents' campaigns.

(b) It is the purpose and intent of the People of the City and County of San Francisco in enacting this Chapter to:

- (1) Place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections and to provide full and fair enforcement of all the provisions in this Chapter;
- (2) Ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes;
- (3) Create an incentive to limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes beyond the amount necessary to communicate reasonably with voters;
- (4) Reduce the advantage of incumbents and thus encourage competition for elective office;
- (5) Allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community;
- (6) Ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby

promoting public discussion of the important issues involved in political campaigns;

(7) Limit contributions to candidates and committees, including committees that make independent expenditures, to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials;

(8) Assist voters in making informed electoral decisions and ensure compliance with campaign contribution limits through the required filing of campaign statements detailing the sources of campaign contributions and how those contributions have been expended;

(9) Make it easier for the public, the media and election officials to efficiently review and compare campaign statements by requiring committees that meet certain financial thresholds to file copies of their campaign statements on designated electronic media;

(10) Help restore public trust in governmental and electoral institutions; and

(11) Help ensure the integrity of the election process by prohibiting campaign advertisements that contain false endorsements of current and former public officials, candidates, political clubs, and organizations. Such false endorsements undermine the integrity of the electoral process by misleading and confusing voters about the actual support for or opposition to candidates or ballot measures and it is too burdensome for individual voters, inundated with campaign messages, to verify the accuracy of such claims and for persons whose positions are misrepresented to correct the misrepresentations close in time to the election.

(c) This Chapter is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the City and County of San Francisco.  
(Added by Ord. 008-13, File No. 120817, App. 1/29/2013; Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)  
(Derivation Former Administrative Code Section 16.501; amended by Ord. 114-76, App. 4/27/76; Proposition N, 11/7/95)

#### SEC. 1.102. CITATION.

This Chapter may be cited as the San Francisco Campaign Finance Reform Ordinance.  
(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation Former Administrative Code Section 16.502; amended by Ord. 114-76, App. 4/27/76; Proposition N, 11/7/95)

#### SEC. 1.103. AMENDMENT OR REPEAL OF CHAPTER.

The voters may amend or repeal this Chapter. The Board of Supervisors may amend this Chapter if all of the following conditions are met:

- (a) The amendment furthers the purposes of this Chapter;
  - (b) The Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;
  - (c) The proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and
  - (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.
- (Added by Ord. 3-06, File No. 051439, App. 1/20/2006)

#### SEC. 1.104. DEFINITIONS.

Whenever in this Chapter the following words or phrases are used, they shall mean:

- (a) "Candidate" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq., but shall include only candidates for City elective office.
- (b) "Candidate committee" shall mean a committee controlled by a candidate, and primarily formed to support that candidate's election for City elective office.
- (c) "Charitable organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.
- (d) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District. The Board of Supervisors consists of eleven separate City elective offices, the San Francisco Community College District consists of seven separate City elective offices, and the Board of Education of the San Francisco Unified School District consists of seven separate City elective offices.
- (e) "Code" shall mean the San Francisco Campaign and Governmental Conduct Code.
- (f) "Committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq.
- (g) "Contribution" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq.; provided, however, that "contribution" shall include loans of any kind or nature.
- (h) "Controlled committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq.
- (i) "Election" shall mean any general, or special municipal election held in the City and County of San Francisco for City elective office or for a local measure, regardless of whether the election is conducted by district or Citywide.
- (j) "Enforcement authority" shall mean the District Attorney for criminal enforcement, the City Attorney for civil enforcement, and the Ethics Commission for administrative enforcement. Nothing in this Chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.
- (k) "Ethics Commission" shall mean the San Francisco Ethics Commission.
- (l) "Executive Director" shall mean the Executive Director of the Ethics Commission, or the Executive Director's designee.
- (m) "General purpose committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 et seq.
- (n) "Independent expenditure" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 et seq. An expenditure is not considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf or for whose benefit the expenditure is made, if the expenditure is made at the request, suggestion, or direction of, or in cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for whose benefit, the expenditure is made.
- (o) "Individual Expenditure Ceiling" shall mean the expenditure ceiling established for each individual candidate for Mayor or the Board of Supervisors whom the Ethics Commission has certified as eligible to receive public funds under this Chapter.
- (p) "Itemized disclosure statement" shall mean a form promulgated by the Ethics Commission that provides a detailed description of the separate costs associated with a communication, including but not limited to photography, design, production, printing, distribution, and postage.
- (q) "Mass mailing" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 et seq., provided that the mass mailing advocates for or against one or more candidates for City elective office.
- (r) "Matching contribution" shall mean a contribution up to \$500 made by an individual, other than the candidate, who is a resident of San Francisco. Matching contributions shall not include loans, contributions received more than 18 months before the date of the election, qualifying contributions or contributions made by the candidate's spouse, registered domestic partner or dependent child. Matching contributions must also comply with all requirements of this Chapter. Matching contributions under \$100 that are not made by written instrument must be accompanied by written documentation sufficient to establish the contributor's name and address. The Ethics Commission shall set forth, by regulation, the types of documents sufficient to establish a contributor's name and address for the purpose of this subsection.
- (s) "Measure" shall mean any City, San Francisco Unified School District or San Francisco Community College District referendum, recall or ballot proposition, whether or not it qualifies for the ballot.
- (t) "Member communication" shall mean a communication made by an organization or its committee for the publication, dissemination or communication to the organization's members, employees or shareholders, or to the families of the organization's members, employees or shareholders by newsletter, letter, flyer, e-mail or similar written or spoken material, that supports or opposes a candidate or measure.

- (u) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.
- (v) "Qualified campaign expenditure" for candidates shall mean all of the following:
- (1) Any expenditure made by a candidate, or by a committee controlled by the candidate, for the purpose of influencing or attempting to influence the actions of the voters for the election of the candidate to City elective office.
  - (2) A nonmonetary contribution provided to the candidate, officeholder or committee controlled by the candidate.
  - (3) The total cost actually paid or incurred by the candidate or controlled committee of the candidate for a slate mailing or other campaign literature produced or authorized by more than one candidate.
  - (4) Expenses incurred, but for which payment has not yet been made.
  - (5) Expenses associated with complying with applicable laws, including but not limited to the California Political Reform Act, California Government Code Section 81000, et seq., and the provisions of this Chapter.
  - (6) "Qualified campaign expenditure" shall not include filing fees, expenses incurred in connection with an administrative or judicial proceeding, payments for administrative, civil or criminal fines, including late filing fees, costs incurred after the election that do not directly affect the outcome of the election, including but not limited to utility bills, expenses associated with an audit, and expenses related to preparing post-election campaign finance disclosure reports as required by the California Political Reform Act, California Government Code Section 81000, et seq., and the provisions of this Chapter, or for inaugural activities or officeholder expenses.
- (w) "Qualifying contribution" shall mean a contribution of not less than \$10 and not more than \$100 that is made by an individual who is a resident of San Francisco and that complies with all requirements of this Chapter. Qualifying contributions shall not include loans, contributions received more than 18 months before the date of the election or contributions made by the candidate or the candidate's spouse, registered domestic partner or dependent child. Qualifying contributions under \$100 that are not made by written instrument must be accompanied by written documentation sufficient to establish the contributor's name and address. The Ethics Commission shall set forth, by regulation, the types of documents sufficient to establish a contributor's name and address for the purpose of this subsection.
- (x) "Recorded telephone message" shall mean a recorded audio message that expressly supports or opposes a candidate for City elective office that is distributed by telephone.
- (y) "Surplus funds" shall mean funds remaining in a candidate's campaign account at the time the candidate leaves City elective office, or at the end of the post-election reporting period following the defeat of the candidate for City elective office, whichever occurs last, and funds remaining in the campaign account of a committee primarily formed to support or oppose a measure at the end of the post-election reporting period following the election at which the measure appeared on the ballot.
- (z) "Total Opposition Spending" shall mean the sum of any expenditures made or expenses incurred by any person or persons for the purpose of making independent expenditures, electioneering communications or member communications in opposition to a specific candidate for Mayor or the Board of Supervisors.
- (aa) "Total Supportive Funds" shall mean the sum of all contributions received by a candidate committee supporting a candidate for Mayor or the Board of Supervisors, other than any funds in the candidate's Campaign Contingency Account exceeding the candidate committee's Trust Account Limit, plus the expenditures made or expenses incurred by any person or persons for the purpose of making independent expenditures, electioneering communications or member communications in support of that same candidate.
- (bb) "Trust Account Limit," shall mean the amount of funds in the Campaign Contribution Trust Account of a candidate committee supporting a candidate for Mayor or the Board of Supervisors whom the Ethics Commission has certified as eligible to receive public funds under this Chapter such that the expenditure of this amount would cause the candidate to reach, but not exceed, the candidate's Individual Expenditure Ceiling. The Trust Account Limit shall be reduced as the candidate spends money and shall be increased when his or her Individual Expenditure Ceiling increases.
- (cc) "Unexpended public funds" shall mean all funds remaining in the candidate committee's account on the 30th day after the candidate controlling the committee is either elected or not elected to office, regardless of the source of the funds, but shall not exceed the amount of public funds provided to the candidate. Funds raised after this date are not unexpended funds.
- (dd) "Voter" shall mean an individual registered to vote in San Francisco.
- (ee) "Withdrawal" or "withdraw" shall mean, prior to an election, ending one's candidacy or failing to qualify for an office for which a candidate has solicited or accepted contributions.
- (ff) "Written instrument" shall mean a check, credit card receipt, or record of electronic transfer of funds.
- (Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 187-01, File No. 010779, App. 8/31/2001; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation Former Administrative Code Section 16.503; amended by Ord. 361-80, App. 8/5/80; Ord. 365-94 App. 10/28/94; Proposition N, 11/7/95)

#### SEC. 1.106. ADOPTION OF GENERAL LAW--EXCEPTIONS.

Except as otherwise provided in, or inconsistent with, this Chapter or other provisions of local law, the provisions of the Government Code of the State of California (commencing at Section 81000), relating to local elections including any subsequent amendments, are hereby incorporated as part of this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003) (Derivation: Former Administrative Code Section 16.504; amended by Ord. 114-76, App. 4/2/76)

#### SEC. 1.107. TRAINING FOR CANDIDATES AND TREASURERS.

(a) Training Requirements.

(1) Candidates. Every candidate for City elective office and his or her treasurer shall attend a training program conducted or sponsored by the Ethics Commission within one year prior to any election at which the candidate's name will appear on the ballot.

(2) Treasurers. Every committee treasurer shall attend the next training program conducted or sponsored by the Ethics Commission after the date the committee files either its original statement of organization or an amendment to a statement of organization designating a new treasurer.

(b) Exception. An individual who serves as the treasurer for more than one committee is not required to attend a training required by Subsection (a) if that individual has attended such a training within the previous 12 months.

(c) Definition. For the purposes of this section, "committee" shall mean any committee that: (1) qualifies as committee pursuant to subdivision (a) of Section 82013 of the California Government Code; and (2) is required to file its semi-annual campaign statements with the Ethics Commission.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

#### SEC. 1.108. CANDIDATE COMMITTEE CAMPAIGN CONTRIBUTION TRUST ACCOUNTS AND CAMPAIGN CONTINGENCY ACCOUNTS.

(a) CANDIDATE COMMITTEE CAMPAIGN CONTRIBUTION TRUST ACCOUNTS. (1) Establishment of Account. Each treasurer for a candidate committee shall establish a Campaign Contribution Trust Account for the candidate committee at an office of a bank located in the City and County of San Francisco. All expenditures by the candidate committee for the City elective office sought shall be made from that account.

(2) Prohibition on Multiple Officeholder Accounts. All funds, services or in-kind contributions received by a candidate committee for expenses incurred directly in connection with carrying out the candidate's usual and necessary duties of holding office shall be deposited, credited or otherwise reported to the candidate committee's Campaign Contribution Trust Account. Such contributions shall be subject to the contribution limits in Section 1.114 of this Chapter. An elected officeholder may not establish or control any other committees or accounts for the purpose of making officeholder expenses. Nothing in this Section shall prohibit an officer from spending personal funds on official activities.

(3) **Account Limits.** A candidate committee controlled by a candidate for Mayor or the Board of Supervisors whom the Ethics Commission has certified as eligible to receive public funds under this Chapter shall not, at any time before the date of the election for which the candidate has been certified, have an amount of funds greater than the candidate committee's Trust Account Limit in its Campaign Contribution Trust Account, unless those contributions are immediately transferred into the candidate committee's Campaign Contingency Account.

(b) **CAMPAIGN CONTINGENCY ACCOUNTS FOR CANDIDATE COMMITTEES FOR MAYOR AND THE BOARD OF SUPERVISORS.**

(1) Notwithstanding any other section of this Code, including Subsection (a)(2), a candidate committee controlled by a candidate for Mayor or the Board of Supervisors whom the Ethics Commission has certified as eligible to receive public funds under this Chapter may maintain a Campaign Contingency Account separate from its Campaign Contribution Trust Account into which it may deposit money contributions in anticipation that the Ethics Commission will raise the candidate's Individual Expenditure Ceiling. All money contributions deposited into this account shall be reported as if it were deposited into the candidate committee's Campaign Contribution Trust Account.

(2) No candidate committee may deposit any funds into its Campaign Contingency Account if the amount of funds in the candidate committee's Campaign Contribution Trust Account is less than the candidate committee's Trust Account Limit.

(3) No expenditures shall be made from a Campaign Contingency Account established pursuant to this section. Funds may be transferred from the candidate committee's Campaign Contingency Account to the candidate committee's Campaign Contribution Trust Account, provided that the amount of funds in the Campaign Contribution Trust Account does not exceed the candidate committee's Trust Account Limit. All funds that qualify as matching contributions and are transferred from the Campaign Contingency Account to the Campaign Contribution Trust Account shall be eligible to be matched with public funds in accordance with the procedures set forth in this Chapter. Within ten days after the date of the election, the candidate committee shall turn over all funds in the Campaign Contingency Account to the Election Campaign Fund.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.505; amended by Ord. 114-76, App. 4/2/76; Proposition N, 11/7/95; Ord. 386-95, App. 12/14/95; Ord. 74-08, File No. 080278, App. 4/30/2008)

### SEC. 1.109. RETENTION OF RECORDS.

(a) All candidates and committees that are required to file statements prescribed by this Chapter shall maintain detailed accounts, records, bills, and receipts as necessary to prepare those statements. Each candidate or committee shall retain for a period of four years detailed information and original source documentation supporting those statements. The Ethics Commission may by regulation describe the information and documentation required to be retained for each type of statement.

(b) Within ten business days of a request by the Ethics Commission, a committee shall provide the Ethics Commission with any documents required to be retained under this Section or state law, including but not limited to California Code of Regulations, Title 2, section 18401 and any subsequent amendments, modifications or administrative or judicial interpretations of that regulation. When the Ethics Commission requests documents under this subsection, it shall provide the committee with the reasons for the request in writing.

(Added Ord. 234-09; File No. 090989, App. 11/10/2009)

### SEC. 1.110. CAMPAIGN STATEMENTS--PUBLIC ACCESS.

(a) **INSPECTION AND COPYMAKING.** Campaign statements are to be open for public inspection and reproduction at the office of the Ethics Commission during regular business hours and such additional hours as the Ethics Commission determines appropriate. The Commission shall provide public notice of the hours that the office is open for inspection and reproduction.

(b) **RETENTION.** Every campaign statement required to be filed in accordance with Section 1.106 shall be preserved by the Ethics Commission for the period required under Section 81009 of the California Government Code and any subsequent amendments thereto, or such additional periods as the Ethics Commission determines appropriate, provided that the period of retention is not less than eight years from the date the statement was required to be filed.

(Formerly Secs. 1.110 and 1.112; added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003) (Derivation: Former Administrative Code Section 16.506; amended by Ord. 114-76, App. 4/2/76; Ord. 386-95, App. 12/14/95)

### SEC. 1.112. ELECTRONIC CAMPAIGN DISCLOSURE.

(a) **FILING ELECTRONIC CAMPAIGN STATEMENTS.**

(1) Filing Electronic Copies of Campaign Statements Required by State Law. Whenever any committee that meets the requirements of Subsection (b) of this Section is required by the California Political Reform Act, California Government Code Section 81000 et seq., to file a campaign disclosure statement or report with the Ethics Commission, the committee shall file the statement or report in an electronic format with the Ethics Commission, provided the Ethics Commission has prescribed the format at least 60 days before the statement or report is due to be filed.

(2) Filing Electronic Copies of Campaign Statements Required by Local Law. Whenever any committee is required to file a campaign disclosure statement or report with the Ethics Commission under this Chapter, the committee shall file the statement or report in an electronic format, provided the Ethics Commission has prescribed the format at least 60 days before the statement or report is due to be filed.

(3) **Continuous Filing of Electronic Statements.** Once a committee is subject to the electronic filing requirements imposed by this Section, the committee shall remain subject to the electronic filing requirements, regardless of the amount of contributions received or expenditures made during each reporting period, until the committee terminates pursuant to this Chapter and the California Political Reform Act, California Government Code Section 81000 et seq.

(4) **Disclosure of Expenditure Dates.** All electronic statements filed under this Section shall include the date any expenditure required to be reported on the statement was incurred, provided that the Ethics Commission's forms accommodate the reporting of such dates.

(b) **COMMITTEES SUBJECT TO ELECTRONIC FILING REQUIREMENTS.**

(1) A committee must file electronic copies of statements and reports if it receives contributions or makes expenditures that total \$1,000 or more in a calendar year and is:

(A) a committee controlled by a candidate for City elective office;

(B) a committee primarily formed to support or oppose a local measure or a candidate for City elective office; or

(C) a general purpose recipient, independent expenditure or major donor committee that qualifies, under state law, as a county general purpose committee in the City and County of San Francisco; or

(D) a committee primarily formed to support or oppose a person seeking membership on a San Francisco county central committee, including a committee controlled by the person seeking membership on a San Francisco county central committee.

(2) The Ethics Commission may require additional committees not listed in this Section to file electronically through regulations adopted at least 60 days before the statement or report is due to be filed.

(c) **VOLUNTARY ELECTRONIC FILING.** Any committee not required to file electronic statements by this Section may voluntarily opt to file electronic statements by submitting written notice to the Ethics Commission. A committee that opts to file electronic statements shall be subject to the requirements of this Section.

(Added by Proposition O, 11/7/2000; amended by Ord. 008-13, File No. 120817, App. 2/4/2013; amended by Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Former Sec. 1.112 was added by Ord. 114-76, App. 4/2/76; amended by Ord. 386-95, App. 12/14/95; renumbered by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000)

**SEC. 1.113. DISCLOSURE REQUIREMENTS DURING SIGNATURE GATHERING PERIODS FOR INITIATIVES, REFERENDA AND RECALLS.**

(a) In addition to the requirements of this Chapter and state law, any committee that is raising or spending funds to support or oppose a measure during the circulation of the measure shall file supplemental campaign statements with the Ethics Commission under this Section. Such committees shall file supplemental campaign statements on the 5th and 20th day of every month in which a measure is circulating in the City and County for signatures, and on the 5th day of the month following the end of the circulation period if necessary to disclose contributions received or expenditures made during the signature-gathering period. Each such statement shall disclose contributions received and expenditures made between the end of the reporting period for the last campaign statement filed by the committee and the period ending five calendar days prior to the date of filing.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.114. CONTRIBUTION LIMITS.****(a) LIMITS ON CONTRIBUTIONS TO CANDIDATES.**

(1) Per Candidate Limit. No person other than a candidate shall make, and no campaign treasurer for a candidate committee shall solicit or accept, any contribution which will cause the total amount contributed by such person to such candidate committee in an election to exceed \$500.

(2) Overall Limit. No person shall make any contribution which will cause the total amount contributed by such person to all candidate committees in an election to exceed \$500 multiplied by the number of City elective offices to be voted on at that election.

**(b) LIMITS ON CONTRIBUTIONS FROM CORPORATIONS.** No corporation organized pursuant to the laws of the State of California, the United States, or any other state, territory, or foreign country, whether for profit or not, shall make a contribution to a candidate committee, provided that nothing in this subsection shall prohibit such a corporation from establishing, administering, and soliciting contributions to a separate segregated fund to be utilized for political purposes by the corporation, provided that the separate segregated fund complies with the requirements of federal law including sections 432(e) and 441b of Title 2 of the United States Code and any subsequent amendments to those sections.

**(c) LIMITS ON CONTRIBUTIONS TO COMMITTEES.**

(1) Per Committee Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to the committee to exceed \$500 per calendar year.

(2) Overall Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to all committees to exceed \$3,000 per calendar year.

(3) Definitions. For purposes of this Subsection, "committee" shall mean any committee making expenditures to support or oppose a candidate, but shall not include candidate committees.

**(d) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.**

(1) General Rule. For purposes of the contribution limits imposed by this Section and Section 1.120 the contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(2) Multiple Entity Contributions Controlled by the Same Persons. If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(3) Majority-Owned Entities. Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decisions to make contributions.

(4) Definition. For purposes of this Section, the term "entity" means any person other than an individual and "majority-owned" means a direct or indirect ownership of more than 50 percent.

**(e) CONTRIBUTOR INFORMATION REQUIRED.** If the cumulative amount of contributions received from a contributor is \$100 or more, the committee shall not deposit any contribution that causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the following information: the contributor's full name; the contributor's street address; the contributor's occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name of the contributor's business. A committee will be deemed not to have had the required contributor information at the time the contribution was deposited if the required contributor information is not reported on the first campaign statement on which the contribution is required to be reported.

**(f) FORFEITURE OF UNLAWFUL CONTRIBUTIONS.** In addition to any other penalty, each committee that receives a contribution which exceeds the limits imposed by this Section or which does not comply with the requirements of this Section shall pay promptly the amount received or deposited in excess of the amount permitted by this Section to the City and County of San Francisco and deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

**(g) RECEIPT OF CONTRIBUTIONS.** A contribution to a candidate committee or committee making expenditures to support or oppose a candidate shall not be considered received if it is not cashed, negotiated, or deposited and in addition it is returned to the donor before the closing date of the campaign statement on which the contribution would otherwise be reported, except that a contribution to a candidate committee or committee making expenditures to support or oppose a candidate made before an election at which the candidate is to be voted on but after the closing date of the last campaign statement required to be filed before the election shall not be considered to be deemed received if it is not cashed, negotiated or deposited and is returned to the contributor within 48 hours of receipt. For all committees not addressed by this section, the determination of when contributions are considered to be received shall be made in accordance with the California Political Reform Act, California Government Code Section 81000, et seq.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 126-06, App. 6/23/06; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.508; amended by Ord. 79-83, App. 2/18/83; Proposition N, 11/7/95)

**SEC. 1.115. COORDINATION OF EXPENDITURES.****(a) GENERAL.**

An expenditure is not considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit the expenditure is made, if the expenditure funds a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate and is made under the following circumstance:

(1) the expenditure is made at the request, suggestion, or direction of, or in cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for whose benefit, the expenditure is made; or

(2) the communication funded by the expenditure is created, produced or disseminated:

(A) after the candidate has made or participated in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication; or

(B) after discussion between the creator, producer or distributor of a communication, or the person paying for that communication, and the candidate or committee regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, the result of which is agreement on any of these topics.

**(b) REBUTTABLE PRESUMPTION OF COORDINATION.**

In addition to subsection (a) of this section, there shall be a presumption that an expenditure funding a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate is not independent of the candidate on whose behalf or for whose benefit the expenditure is made, when:

(1) it is based on information about the candidate or committee's campaign needs or plans provided to the spender by the candidate;

(2) it is made by or through any agent of the candidate in the course of the agent's involvement in the current campaign;

- (3) the spender retains the services of a person, including a campaign consultant, who provides, or has provided, the candidate with professional services related to campaign or fundraising strategy for that same election;
- (4) the communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate; or
- (5) in the same election that the expenditure is made, the spender or spender's agent is serving or served in an executive or policymaking role for the candidate's campaign or participated in strategy or policy making discussions with the candidate's campaign relating to the candidate's pursuit of election to office and the candidate is pursuing the same office as a candidate whose nomination or election the expenditure is intended to influence.

(c) **EXCEPTIONS.**

Notwithstanding the foregoing, an expenditure shall not be considered a contribution to a candidate merely because:

- (1) the spender interviews a candidate on issues affecting the spender;
- (2) the spender has obtained a photograph, biography, position paper, press release, or similar material from the candidate;
- (3) the spender has previously made a contribution to the candidate;
- (4) the spender makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditures;
- (5) the spender has invited the candidate or committee to make an appearance before the spender's members, employees, shareholders, or the families thereof, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditure;
- (6) the spender informs a candidate that the spender has made an expenditure provided that there is no other exchange of information not otherwise available to the public, relating to the details of the expenditure; or
- (7) the expenditure is made at the request or suggestion of the candidate for the benefit of another candidate or committee.

(d) **DEFINITION.**

For purposes of this section, the terms "candidate" includes an agent of the candidate when the agent is acting within the course and scope of the agency.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006)

**SEC. 1.116. LIMITS ON LOANS TO CANDIDATES.**

- (a) A candidate's loan of personal funds to the candidate's campaign may not exceed at any time more than
- (1) \$15,000 for a candidate for the Board of Supervisors, Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District,
- (2) \$120,000 for a candidate for Mayor, or
- (3) \$35,000 for a candidate for Assessor or Public Defender, City Attorney, Treasurer, District Attorney or Sheriff.
- (b) A candidate may not charge interest on any loan the candidate has made to the candidate's campaign.
- (c) In addition to any other penalty, loans made by a candidate to the candidate's campaign in excess of the amounts in subsection (a) shall be deemed a contribution to the campaign and may not be repaid to the candidate.
- (d) Whenever the Ethics Commission adjusts the voluntary expenditure ceilings to reflect changes in the California Consumer Price Index, as authorized under Section 1.130, the Commission is authorized to adjust the loan amounts in this Section to reflect changes in the Consumer Price Index.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 228-06, File No. 060501, App. 9/14/2006. Former Sec. 1.116 was added by Ord. 365-94, App. 10/28/94; renumbered by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Proposition O, 11/7/2000)

**SEC. 1.118. PAYMENT OF ACCRUED EXPENSES.**

- (a) A candidate committee that accepts goods or services on credit shall pay for such accrued expenses in full no later than 180 calendar days after receipt of a bill or invoice and in no event later than 180 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered, unless it is clear from the circumstances that the failure to pay is reasonably based on a good faith dispute. For purposes of this Subsection, a good faith dispute shall be rebuttably presumed if the candidate committee produces the following:
- (1) Evidence that the candidate committee protested the payment of a bill no later than 30 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered; and
- (2) Evidence that the protest was based on the time of delivery, quality or quantity of goods delivered or services rendered or the price of the goods delivered or the services provided.
- (b) The provisions of Subsection (a) do not apply to debt owed to a financial institution for an outstanding credit card balance.
- (c) Each and every calendar day any accrued expense remains partially or wholly unpaid after the time periods set forth in Subsection (a) constitutes a separate violation.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.120. CONTRIBUTION LIMITS--POST-ELECTION LEGAL PROCEEDINGS.**

All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any post-election recounts, election contests or other proceedings held pursuant to law. In addition, the following provisions shall be applicable in any such post-election legal proceedings:

- (a) No person other than a candidate shall make, and no candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person in post-election legal proceedings to any candidate to exceed, in addition to the contribution limit contained in Sections 1.114, \$100.
- (b) Notwithstanding any other provision of this Chapter to the contrary, for the purposes of conducting post-election recounts, election contests or other proceedings held pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition to candidates, including in-kind contributions to committees supporting or opposing candidates, shall not be subject to any contribution limitations set forth in this Chapter.
- (c) If any person violates this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 3-06, File No. 051439, App. 1/20/2006) (Derivation: Former Administrative Code Section 16.509-1; added by Ord. 81-83, App. 2/25/83)

**SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS-- LIMITATIONS.**

(a) **DECLARATION OF INTENT REQUIRED.** No candidate or candidate committee, shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until the candidate has filed a declaration of intention to become a candidate for a specific City elective office with the Department of Elections on a form prescribed by the Director of Elections.

No person shall file a declaration of intention to become a candidate for more than one City elective office.

(b) **USE OF CAMPAIGN FUNDS.**

(1) **GENERAL.** Except as otherwise provided in this Chapter, funds in a candidate committee's campaign account may be used only on behalf of the candidacy for the office specified in the candidate's declaration of intention filed under Subsection (a) or for expenses associated with holding that office, provided that such expenditures are reasonably related to a legislative, governmental, or political purpose. Contributions solicited or accepted under this Section for one candidate shall not be expended for the candidacy of any other candidate for local, state or federal office, in support of or opposition to any measure or in support of or opposition to any state ballot proposition, or for donations to a charitable organization.



Nothing in this section shall prohibit a candidate committee for a candidate in a ranked choice election from expending funds to support the ranking of another candidate if the primary purpose of the expenditure is to further the candidate's own campaign.

(2) WITHDRAWAL FROM CANDIDACY. If a candidate has withdrawn his or her candidacy, campaign funds held by that candidate's committee's Campaign Contribution Trust Account shall be:

- (A) returned on a "last in, first out" basis to those persons who have made said contributions;
- (B) donated to the City and County of San Francisco; or
- (C) donated to a charitable organization;
- (D) used to pay outstanding campaign debts or accrued expenses;
- (E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or
- (F) used for other permissible purposes established by the Ethics Commission by regulation.

(3) SURPLUS FUNDS. Surplus funds held by a candidate or committee shall be:

- (A) returned on a "last in, first out" basis to those persons who have made said contributions;
- (B) donated to a charitable organization; or
- (C) donated to the City and County of San Francisco;
- (D) used to pay outstanding campaign debts or accrued expenses;
- (E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or
- (F) used for other permissible purposes established by the Ethics Commission by regulation.

(c) TRANSFER OF FUNDS. Subject to the restrictions set forth in Subsection (b), at any time, funds held in a candidate committee's Campaign Contribution Trust Account may be transferred to any legally constituted committee established by the candidate under the California Political Reform Act, California Government Code section 81000 et seq. Contributions transferred under this subsection shall be attributed to specific contributors using a "first in, first out" or "last in, first out" accounting method.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.510; amended by Ord. 80-83, App. 2/18/83; Ord. 224-96, App. 6/17/96)

#### SEC. 1.124.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Ord. 141-03, File No. 030034, App. 6/27/2003) (Derivation: Former Administrative Code Section 16.510-1; added by Proposition N, 11/7/95)

#### SEC. 1.126. CONTRIBUTION LIMITS--CONTRACTORS DOING BUSINESS WITH THE CITY, THE UNIFIED SCHOOL DISTRICT AND THE COMMUNITY COLLEGE DISTRICT.

##### (a) DEFINITIONS.

For purposes of this section, the following words and phrases shall mean:

- (1) "Person who contracts with" includes any party or prospective party to a contract, as well any member of that party's board of directors, its chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest of more than 20 percent in the party, any subcontractor listed in a bid or contract, and any committee, as defined by this Chapter that is sponsored or controlled by the party, provided that the provisions of Section 1.114 of this Chapter governing aggregation of affiliated entity contributions shall apply only to the party or prospective party to the contract.
- (2) "Contract" means any agreement or contract, including any amendment or modification to an agreement or contract, with the City and County of San Francisco, a state agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District, or the San Francisco Community College District for:
  - (A) the rendition of personal services,
  - (B) the furnishing of any material, supplies or equipment,
  - (C) the sale or lease of any land or building, or
  - (D) a grant, loan or loan guarantee.
- (3) "Board on which an individual serves" means the board to which the officer was elected and any other board on which the elected officer serves.

(b) Prohibition on contribution. No person who contracts with the City and County of San Francisco, a state agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District or the San Francisco Community College District,

(1) Shall make any contribution to:

- (A) An individual holding a City elective office if the contract must be approved by such individual, the board on which that individual serves or a state agency on whose board on which an appointee of that individual serves;
- (B) A candidate for the office held by such individual; or
- (C) A committee controlled by such individual or candidate

(2) Whenever the agreement or contract has a total anticipated or actual value of \$50,000.00 or more, or a combination or series of such agreements or contracts approved by that same individual or board have a value of \$50,000.00 or more in a fiscal year of the City and County

(3) At any time from the commencement of negotiations for such contract until,

- (A) The termination of negotiations for such contract; or
- (B) Six months have elapsed from the date the contract is approved.

(c) Prohibition on receipt of contribution. No individual holding City elective office or committee controlled by such an individual shall solicit or accept any contribution prohibited by subsection (b) at any time from the formal submission of the contract to the individual until the termination of negotiations for the contract or six months have elapsed from the date the contract is approved. For the purpose of this subsection, a contract is formally submitted to the Board of Supervisors at the time of the introduction of a resolution to approve the contract.

(d) Forfeiture of contribution. In addition to any other penalty, each committee that receives a contribution prohibited by subsection (c) shall pay promptly the amount received or deposited to the City and County of San Francisco and deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County; provided that the Commission may provide for the waiver or reduction of the forfeiture.

##### (e) Notification.

(1) Prospective Parties to Contracts. Any prospective party to a contract with the City and County of San Francisco, a state agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District or the San Francisco Community College District shall inform each person described in subsection (a)(1) of the prohibition in subsection (b) by the commencement of negotiations for such contract.

(2) Individuals Who Hold City Elective Office. Every individual who holds a City elective office shall, within five business days of the approval of a contract by the officer, a board on which the officer sits or a board of a state agency on which an appointee of the officer sits, notify the Ethics Commission, on a form adopted by the Commission, of each contract approved by the individual, the board on which the individual serves or the board of a state agency on which an appointee of the officer sits. An individual who holds a City elective office need not file the form required by this subsection if the clerk or secretary of a board on which the individual serves or a board of a state agency on which an appointee of the officer serves has filed the form on behalf of the board.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 228-06, File No. 060501, App. 9/14/2006; amended by Proposition H, June 3, 2008) (Derivation: Former Administrative Code Section 16.510-2; added by Proposition N, 11/7/95)



**SEC. 1.128. ACCEPTANCE OR REJECTION OF VOLUNTARY EXPENDITURE CEILINGS.**

(a) Candidates for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District may accept the applicable voluntary expenditure ceiling. Candidates for the Board of Supervisors or Mayor may not accept a voluntary expenditure ceiling.

(b) To accept the applicable voluntary expenditure ceiling, a candidate must file a statement with the Ethics Commission accepting the applicable voluntary expenditure ceiling. The candidate shall file this statement no later than the deadline for filing nomination papers with the Department of Elections. A candidate may not withdraw the statement accepting the voluntary expenditure ceiling after filing the statement. A candidate may not file the statement accepting the applicable voluntary expenditure ceiling if the Ethics Commission has lifted the voluntary expenditure ceiling under Section 1.134 of this Chapter.

(c) The Ethics Commission shall maintain, on its website, a list of the candidates who have accepted the voluntary expenditure ceiling. If the Ethics Commission has lifted a voluntary expenditure ceiling for a particular race under Section 1.134 of this Chapter, the Ethics Commission shall instead maintain a list of the candidates who have accepted, but are no longer subject to the voluntary expenditure ceiling in that race.

(d) A candidate who has accepted the applicable voluntary expenditure ceiling and makes qualified campaign expenditures in excess of the voluntary expenditure ceiling, at a time when the Ethics Commission has not lifted the applicable voluntary expenditure ceiling, is subject to the penalties in Section 1.170 for violation of this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 293-04, File No. 041396, App. 12/24/2004; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.510-3; added by Proposition N, 11/7/95)

**SEC. 1.130. AMOUNT OF VOLUNTARY EXPENDITURE CEILINGS.**

(a) Any candidate for Assessor, Public Defender, City Attorney, District Attorney, Treasurer, or Sheriff who agrees to accept voluntary expenditure ceilings shall not make total qualified campaign expenditures exceeding \$243,000, unless the Ethics Commission has lifted the voluntary expenditure ceiling pursuant to Section 1.134 of this Chapter.

(b) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District who agrees to accept voluntary expenditure ceilings shall not make total qualified campaign expenditures exceeding \$104,000, unless the Ethics Commission has lifted the voluntary expenditure ceiling pursuant to Section 1.134 of this Chapter.

(c) The Ethics Commission is authorized to adjust annually by regulation the voluntary expenditure ceilings imposed by this Section to reflect the change in the California Consumer Price Index for that year, provided that such adjustments shall be rounded off to the nearest \$1,000.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.510-4; added by Proposition N, 11/7/95)

**SEC. 1.132.**

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Ord. 228-06, File No. 060501, App. 9/14/2006) (Derivation: Former Administrative Code Section 16.510-5; added by Proposition N, 11/7/95)

**SEC. 1.134. LIFTING OF VOLUNTARY EXPENDITURE CEILINGS; SUPPLEMENTAL REPORTING IN ELECTIONS FOR ASSESSOR, PUBLIC DEFENDER, CITY ATTORNEY, DISTRICT ATTORNEY, TREASURER, SHERIFF, THE BOARD OF EDUCATION OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, OR THE GOVERNING BOARD OF THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT.**

This Section shall apply only if at least one candidate for the City elective office has accepted the applicable voluntary expenditure ceiling, and the Ethics Commission has not lifted that voluntary expenditure ceiling. This Section applies only to candidates for Assessor, Public Defender, City Attorney, District Attorney, Treasurer, Sheriff, the Board of Education of the San Francisco Unified School District, or the Governing Board of the San Francisco Community College District.

(a) The voluntary expenditure ceiling shall no longer be binding on a candidate:

- (1) if a candidate seeking election to the same City elective office, who has declined to accept the voluntary expenditure ceilings, receives contributions or makes qualified campaign expenditures in excess of 100 percent of the applicable voluntary expenditure ceiling,
- (2) if a person or persons make expenditures or payments, or incur expenses for the purpose of making independent expenditures, electioneering communications or member communications that total more than 100 percent of the applicable voluntary expenditure ceiling, and those expenditures or communications clearly identify a candidate seeking election to the same City elective office, or
- (3) if a candidate seeking election to the same City elective office, who has accepted the voluntary expenditure ceiling, makes qualified campaign expenditures in excess of 100 percent of the voluntary expenditure ceiling.

(b) Any candidate committee that receives contributions, makes qualified campaign expenditures, incurs expenses or has funds in its Campaign Contribution Trust Account that total more than 100 percent of the applicable voluntary expenditure ceiling shall, within 24 hours of exceeding 100 percent of the applicable voluntary expenditure ceiling, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission.

(c) Any person other than a candidate committee who makes expenditures or payments, or incurs expenses for the purpose of distributing independent expenditures, electioneering communications or member communications that clearly identify any candidate in an amount that in the aggregate equals or exceeds \$5,000 per candidate shall, within 24 hours of reaching or exceeding this threshold, file a statement with the Ethics Commission. The statement shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission. Thereafter, until the Ethics Commission lifts the applicable voluntary expenditure ceiling, any such person shall file a supplemental statement with the Ethics Commission each time the person makes expenditures for the purpose of distributing independent expenditures, electioneering communications or member communications that clearly identify any candidate in an amount that in the aggregate equals or exceeds an additional \$5,000 per candidate. The supplemental statements shall be filed within 24 hours of reaching or exceeding this threshold, and shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission.

(d) Within one business day after receiving a notice indicating that the thresholds in subsection (a) have been met, the Ethics Commission shall inform every candidate in the same race that the expenditure ceiling has been lifted.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 71-05, File No. 041489, App. 4/15/2005; Ord. 75-05, File No. 050624, App. 4/27/2005; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.510-6; added by Proposition N, 11/7/95)

**SEC. 1.134.5.**

(Added by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 74-08, File No. 080278, App. 4/30/2008; amended by Ord. 243-08, File No. 091061, App. 10/30/08; repealed by Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.135. SUPPLEMENTAL PRE-ELECTION STATEMENTS.**

(a) Supplemental Preelection Statements. In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter, all San Francisco general purpose committees shall file preelection statements before any election held in the City and County of San Francisco at which a candidate for City elective office or City measure is on the ballot, if the committee makes contributions or expenditures totaling \$500 or more during the period covered by the preelection statement.

(b) Time for Filing Supplemental Preelection Statements. In even-numbered years, preelection statements required by this Section shall be filed pursuant to the preelection statement filing schedule established by the Fair Political Practices Commission for county general purpose recipient committees. In odd-numbered years, the filing schedule is as follows:

- (1) For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election;
- (2) For the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election.

(c) The Ethics Commission may require that these statements be filed electronically.

(Added by Ord. 141-03, File No. 030034, App. 6/27/2003; amended by Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

#### SEC. 1.136. PUBLIC FINANCING OF CANDIDATES FOR THE BOARD OF SUPERVISORS OR MAYOR.

Candidates for the Board of Supervisors or Mayor whom the Ethics Commission certifies as eligible to receive public financing of their election campaigns, and who comply with the applicable conditions and restrictions specified in Section 1.140 of this Chapter, may receive public funds as provided in this Chapter to defray the costs of their election campaigns.

(Added by Proposition O, 11/7/2000; amended by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

#### SEC. 1.138. ELECTION CAMPAIGN FUND; APPROPRIATION OF FUNDS.

(a) ESTABLISHMENT OF ELECTION CAMPAIGN FUND. There is hereby established a special fund of the City and County of San Francisco called the Election Campaign Fund. All money deposited in the Fund is hereby appropriated for use as specified in this Chapter and the implementing regulations.

(b) APPROPRIATION TO ELECTION CAMPAIGN FUND.

Except as provided in subsections (b)(3) and (b)(4), each fiscal year the City and County of San Francisco shall appropriate \$2.75 per resident of the City and County of San Francisco to the Election Campaign Fund to provide funding for election campaigns as authorized by this Chapter for all candidates for Mayor or the Board of Supervisors who may be eligible to receive such funds. At the request of the Ethics Commission, the Controller shall estimate the number of residents of the City and County of San Francisco for purposes of this subsection.

(1) Any funds in the Election Campaign Fund not used in one election shall be carried over for use in the following election, provided that at no time shall the total amount in the Election Campaign Fund exceed \$7 million. Any funds in the Election Campaign Fund in excess of \$7 million shall be returned to the General Fund.

(2) Funds necessary for the Ethics Commission to administer the public financing program for candidates for Mayor or the Board of Supervisors authorized under section 1.136 of this Chapter shall be taken from the Election Campaign Fund. The Commission's administrative expenses for such public financing program for any election shall not exceed 15% of the total amount of funds in the Election Campaign Fund for that election.

(3) If the Office of Mayor becomes vacant and an election is held to fill the vacancy for the remainder of the term, the City and County of San Francisco shall appropriate additional funds to the Election Campaign Fund in an amount that ensures that at least \$8.00 per resident is available in the Election Campaign Fund for that election and the next regularly scheduled Mayoral election.

(4) If an office of a member of the Board of Supervisors becomes vacant and an election is held to fill the vacancy for the remainder of the term, the City and County of San Francisco shall appropriate an additional \$0.25 per resident to the Election Campaign Fund for that election. These additional funds shall not be subject to the limit in subsection (b)(1) of this section. Any funds appropriated pursuant to this subsection that are not used for the election to fill the vacancy shall be returned to the General Fund.

(Added by Proposition O, 11/7/2000; amended by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 64-12, File No. 111082, App. 4/20/2012)

#### SEC. 1.138.5.

(Added by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; repealed by Ord. 268-07, File No. 071993, Approved 11/26/2007.)

#### SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.

(a) REQUIREMENTS FOR ALL CANDIDATES. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate must:

(1) Have filed a statement indicating that he or she intends to participate in the public financing program under Section 1.142 of this Chapter.

(2) Agree to the following conditions:

(A) The candidate bears the burden of providing that each contribution the candidate relies upon to establish eligibility is a qualifying contribution;

(B) The candidate bears the burden of proving that expenditures made with public funds provided under this Chapter comply with Section 1.148 of this Chapter;

(C) The candidate will not make any payments to a contractor or vendor in return for the contractor or vendor making a campaign contribution to the candidate or make more than a total of 50 payments, other than the return of a contribution, to contractors or vendor that have made contributions to the candidate;

(D) Notwithstanding Sections 1.114 and 1.116, the candidate shall not loan or donate, in total, more than \$5,000 of his or her own money to the campaign;

(E) The candidate shall not accept any loans to his or her campaign with the exception of a candidate's loan to his or her own campaign as permitted by this Section; and

(F) The candidate shall agree to participate in at least three debates with the candidate's opponents.

(3) Have paid any outstanding late fines or penalties, owed to the City by the candidate or any of the candidate's previous campaign committees, which were imposed for violations of this Code or the campaign finance provisions of the California Political Reform Act (Government Code Sections 84100–85704), provided that the Ethics Commission had notified the candidate of such fines or penalties by the time of certification.

(4) Have filed any outstanding forms, owed to the City by the candidate or any of the candidate's previous campaign committees, which were required to be filed pursuant to this Code or the campaign finance provisions of the Political Reform Act (Government Code Sections 84100–85704), provided that the Ethics Commission had notified the candidate of such outstanding forms by the time of certification.

(5) Have no finding by a court or by the Ethics Commission after a hearing on the merits, within the prior five years, that the candidate knowingly, willfully, or intentionally violated any Section of this Code or the campaign finance provisions of this California Political Reform Act (Government Code Sections 84100–85704). For purposes of this Section, a plea of nolo contendere constitutes a finding by a court of a willful violation.

(b) ADDITIONAL REQUIREMENTS FOR CANDIDATES FOR THE BOARD OF SUPERVISORS. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate for the Board of Supervisors must:

(1) Be seeking election to the Board of Supervisors and be eligible to hold the office sought;

(2) Have a candidate committee that has received at least \$10,000 in qualifying contributions from at least 100 contributors before the 70th day before the election; or, if the candidate is an incumbent member of the Board of Supervisors, have a candidate committee that has received at least \$15,000 in qualifying contributions from at least 150 contributors before the 70th day before the election.

(3) Be opposed by another candidate who has either established eligibility to receive public financing, or whose candidate committee has received contributions or made expenditures which in the aggregate equal or exceed \$10,000; and

(4) Agree that his or her candidate committee will not make qualified campaign expenditures that total more than the candidate's Individual Expenditure Ceiling of \$250,000, or as adjusted under Section 1.143 of this Chapter.

(c) ADDITIONAL REQUIREMENTS FOR CANDIDATES FOR MAYOR. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate for Mayor must:

(1) Be seeking election to the office of Mayor and be eligible to hold the office sought;

(2) Have a candidate committee that has received at least \$50,000 in qualifying contributions from at least 500 contributors by the 70th day before the election; or, if the candidate is the incumbent Mayor, have a candidate committee that has received at least \$75,000 in qualifying contributions from at least 750 contributors by the 70th day before the election.

(3) Be opposed by another candidate who has either established eligibility to receive public financing, or whose candidate committee has received contributions or made expenditures that in the aggregate equal or exceed \$50,000; and

(4) Agree that his or her candidate committee will not make qualified campaign expenditures that total more than the candidate's Individual Expenditure Ceiling of \$1,475,000, or as adjusted under Section 1.143 of this Chapter.

(d) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS. The Ethics Commission is authorized to adjust:

(1) The figures in Subsections (b)(4) and (c)(4) to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest \$1,000 for candidates for the Board of Supervisors and the nearest \$5,000 for candidates for Mayor;

(2) The figure in Subsection (a)(2)(D) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest \$1,000;

(3) The figures in Subsections (b)(2) and (b)(3) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest \$500;

(4) The figures in Subsections (c)(2) and (c)(3) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest \$5,000; and

(5) The maximum amount of a contribution that constitutes a qualifying contribution pursuant to Section 1.104 to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest \$10.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 236-05, File No. 051033, App. 10/7/2005; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009; Ord. 64-12, File No. 111082, App. 4/20/2012)

#### SEC. 1.140.5.

(Added by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007)

#### SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY THE ETHICS COMMISSION.

(a) STATEMENT OF PARTICIPATION OR NON-PARTICIPATION. Each candidate for the Board of Supervisors or Mayor must sign and file a Statement of Participation or Non-Participation in the public financing program. The statement must be filed by the candidate with the Ethics Commission no later than the deadline for filing nomination papers. On the statement, each candidate shall indicate whether he or she intends to participate in the public financing program. A statement of participation or non-participation may not be amended after the deadline for filing nomination papers.

(b) DECLARATION BY CANDIDATE. To become eligible to receive public financing of campaign expenses under this Chapter, a candidate shall declare, under penalty of perjury, that the candidate satisfies the requirements specified in Section 1.140. Candidates shall be permitted to submit the declaration and any supporting material required by the Ethics Commission to the Ethics Commission no earlier than nine months before the date of the election, but no later than the 70th day before the election. Once the declaration and supporting material are submitted, they may not be amended. The declaration and supporting material may be withdrawn and refiled, provided that the refiled is made no later than the 70th day before the election.

If any deadline imposed by this Subsection falls on a Saturday, Sunday, or legal holiday, the deadline shall be the next business day.

(c) DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics Commission shall review the candidate's declaration and supporting material to determine whether the candidate is eligible to receive public funds under this Chapter. The Executive Director may audit the candidate's records, interview contributors and take whatever steps the Executive Director deems necessary to determine eligibility. At the request of the Executive Director, the Controller shall assist in this review process.

(d) DETERMINATION OF OPPOSITION. To determine whether a candidate for the Board of Supervisors is opposed as required under Section 1.140(b)(3) of this Chapter or a candidate for Mayor is opposed as required under Section 1.140(c)(3) of this Chapter, the Executive Director shall review the material filed pursuant to Section 1.152 of this Chapter, and may review any other material.

(e) CERTIFICATION. If the Executive Director determines that a candidate for Mayor or the Board of Supervisors has satisfied the requirements of Section 1.140, the Executive Director shall notify the candidate and certify to the Controller that the candidate is eligible to receive public financing under this Chapter. The Executive Director shall not certify that a candidate is eligible to receive public financing if the candidate's declaration or supporting material is incomplete or otherwise inadequate to establish eligibility. Except as provided in subsection (h), the Executive Director shall determine whether to certify a candidate no later than 30 days after the date the candidate submits his or her declaration and supporting material, provided that the Executive Director shall make all determinations regarding whether to certify a candidate no later than the 55th day before the election.

(f) RESUBMISSION. If the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate. Notwithstanding Section 1.142(b) of this Chapter, the candidate may, within five business days of the date of notification, resubmit the declaration and supporting material. If the candidate does not timely resubmit, the Executive Director's determination is final.

If, after viewing resubmitted material, the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate of this fact. Additional resubmissions may be permitted in the Executive Director's discretion. If the candidate fails to resubmit in the time specified by the Executive Director, or if no further resubmissions are permitted, the Executive Director's determination is final.

(g) APPEAL TO THE ETHICS COMMISSION. If the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the candidate may appeal the Executive Director's final determination to the Ethics Commission. The candidate must deliver the written appeal to the Ethics Commission within five days of the date of notification of the Executive Director's determination.

(h) SUPERVISORIAL CANDIDATES SEEKING ELECTION IN NOVEMBER 2012. The Executive Director shall not certify any supervisorial candidates seeking election in November 2012 as eligible to receive public funds until the Redistricting Task Force, convened by the Board of Supervisors in Ordinance No. 93-11, has completed its 2012 revision of supervisorial district boundaries. Supervisorial candidates seeking election in November 2012 may submit their declaration and any supporting material concerning their eligibility to the Ethics Commission prior to the completion of the Redistricting Task Force's revision of supervisorial district boundaries.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009; Ord. 44-12, File No. 111277, App. 3/13/2012)

#### SEC. 1.143. ADJUSTING INDIVIDUAL EXPENDITURE CEILINGS.

This Section shall apply only if the Ethics Commission has certified that at least one candidate for Mayor or the Board of Supervisors is eligible to receive public funds under this Chapter.

(a) The Executive Director shall adjust the Individual Expenditure Ceiling of a candidate for Mayor to an amount equal to the sum of the Total Opposition Spending against that candidate and the highest level of the Total Supportive Funds of any other candidate for Mayor if such amount is

greater than \$1,475,000, provided that the Executive Director may adjust a candidate's Individual Expenditure Ceilings only in increments of \$100,000.

(b) The Executive Director shall adjust the Individual Expenditure Ceiling of a candidate for the Board of Supervisors to an amount equal to the sum of the Total Opposition Spending against that candidate and the highest level of the Total Supportive Funds of any other candidate for the same office on the Board of Supervisors if such amount is greater than \$250,000, provided the Executive Director may adjust a candidate's Individual Expenditure Ceiling only in increments of \$10,000.

(c) No later than the second business day after a statement is filed pursuant to Section 1.152 (a)(3) or (b)(3) of this Chapter, the Executive Director shall determine whether the communication supports or opposes one or more candidates.

Factors the Executive Director shall use to determine whether the communication supports or opposes one or more candidates include the following:

- (1) whether the communication clearly identifies one or more candidates;
  - (2) the timing of the communication;
  - (3) the voters targeted by the communication;
  - (4) whether the communication identifies any candidate's position on a public policy issue and urges the reader or viewer to take action, including calling the candidate to support or oppose the candidate's position;
  - (5) whether the position of one or more candidates on a public policy issue has been raised as distinguishing these candidates from others in the campaign, either in the communication itself or in other public communications;
  - (6) whether the communication is part of an ongoing series of substantially similar advocacy communications by the organization on the same issue; and
  - (7) any other factors the Executive Director deems relevant.
- (d) Within one business day of the date that the Executive Director makes a determination under Subsection (c), either the candidate(s) identified in the communication or any candidate seeking the same City elective office as the candidate identified in the communication may object to the Executive Director's determination. The Executive Director shall respond to any objection within one business day of receiving the objection.
- (e) Within one business day of the Executive Director's response, either the candidate(s) identified in the communication or any candidate seeking the same City elective office as the candidate identified in the communication may submit to the Executive Director a request that the Ethics Commission review the Executive Director's determination. Within one business day of receiving the request, the Executive Director shall notify each Commissioner of the candidate's request.
- If within one business day of the Executive Director's notice, two or more members of the Commission inform the Executive Director that they would like to review the determination, the Executive Director shall schedule a meeting of the Commission on a date that occurs within one week of the Commissioners' requests. If three members of the Commission vote to overrule the Executive Director's determination, the Commission shall make a final determination based on the factors set forth above.
- (f) If no candidate objects to the Executive Director's determination, if no candidate requests review by the Commission of the Executive Director's determination, if a request is made and two or more members of the Commission do not request to review the determination, or within one week of two members of the Commission requesting to review the Executive Director's determination, at least three members of the Commission do not vote to overrule the Executive Director's determination, the Executive Director's determination shall become final.
- The Executive Director shall determine whether to adjust the Individual Expenditure Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to either Subsection (a) or (b) of this Section within one business day of a final determination.
- (Added by Ord. 234-09; File No. 090989, App. 11/10/2009; amended by Ord. 64-12, File No. 111082, App. 4/20/2012)

#### SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.

(a) **PAYMENT BY CONTROLLER.** Upon certifying that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall forward the certification to the Controller, and the Controller shall disburse payments to the candidate from the Election Campaign Fund in accordance with the certification and this Section.

(b) **TIME OF PAYMENTS.** The Controller shall not make any payments under this Chapter to any candidate more than 142 days before the date of the election. Payments from the Controller shall be disbursed to eligible candidates within two business days of the Controller receiving notification from the Ethics Commission regarding the amount of the disbursement, except that within fifteen calendar days before the election, such payments shall be made within one business day.

(c) **PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR MAYOR.**

Candidates for Mayor certified as eligible to receive public financing for their election campaigns will have access to funds from the Election Campaign Fund on a first-come, first-served basis according to the following formula:

(1) Upon qualification the candidate shall receive a one-time payment of \$100,000 from the Election Campaign Fund.

(2) After the initial payment under Subsection (1), for the first \$425,000 in matching contributions raised by the candidate, the candidate shall receive two dollars from the Election Campaign Fund for each dollar raised.

(3) After the payments under Subsection (2), for the next \$25,000 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised. If the candidate is the incumbent Mayor, after the payments under Subsection (2), for the next \$12,500 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised.

(D) The maximum amount of public funds a non-incumbent mayoral candidate may receive is \$975,000. The maximum amount of public funds an incumbent mayoral candidate may receive is \$962,500.

(d) **PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR THE BOARD OF SUPERVISORS.**

Candidates for the Board of Supervisors certified as eligible to receive public financing for their election campaigns will have access to funds from the Election Campaign Fund on a first-come, first-served basis according to the following formula:

(1) Upon qualification the candidate shall receive a one-time payment of \$20,000 from the Election Campaign Fund.

(2) After the initial payment under Subsection (1); for the first \$50,000 in matching contributions raised by the candidate, the candidate shall receive two dollars from the Election Campaign Fund for each dollar raised.

(3) After the payments under Subsection (2), for the next \$35,000 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised. If the candidate is an incumbent member of the Board of Supervisors, after the payments under Subsection (2), for the next \$32,500 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised.

(4) The maximum amount of public funds a non-incumbent candidate for the Board of Supervisors may receive is \$155,000. The maximum amount of public funds an incumbent candidate for the Board of Supervisors may receive is \$152,500.

(e) **SUBMISSION OF CLAIMS FOR PUBLIC FUNDS.** The Ethics Commission shall determine the information needed to submit a claim for payment of public funds. The Executive Director shall certify each request for payment of public funds within four business days of the request, except that within 14 calendar days before the election, when the certification of a request for public funds shall be made within two business days of the request. No candidate may submit a claim for public funds if the candidate has any such claims pending with the Ethics Commission. For candidates for Mayor, any submission of a claim for public funds must include a minimum of \$5,000 of matching contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of \$1,000 of matching contributions. For candidates for the Board of Supervisors, any submission of a claim for public funds must include a minimum of \$1,000 of matching contributions; provided that in the 14

calendar days preceding an election, a claim must include a minimum of \$200 of matching contributions. All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the election.

(f) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. A candidate must deposit all payments received from the Election Campaign Fund in his or her candidate committee's Campaign Contribution Trust Account.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 74-08, File No. 080278, App. 4/30/2008; Ord. 234-09, File No. 090989, App. 11/10/2009; Ord. 64-12, File No. 111082, App. 4/20/2012)

#### SEC. 1.144.5.

(Added by Ord. 31-06, File No. 051773, App. 2/23/2006; repealed by Ord. 268-07, File No. 071003, App. 11/26/2007)

#### SEC. 1.146. TERMINATION OF PAYMENTS.

The Controller shall terminate all payments to a candidate who is otherwise eligible to receive public financing if the candidate or the candidate's committee:

- (a) Withdraws or fails to qualify to have his or her name printed on the ballot for the election for which the candidate applied for public financing;
- (b) Fails to comply with the conditions specified in Section 1.140 of this Chapter; or
- (c) Knowingly or willfully fails to comply with any of the reporting requirements imposed by this Chapter or the Political Reform Act, California Government Code Section 81000, et seq.

(Added by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Former Sec. 1.146 was added by Proposition O, 11/7/2000; repealed by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 268-07, File No. 071003, App. 11/26/2007)

#### SEC. 1.148. RESTRICTIONS ON USE OF PUBLIC FUNDS; UNEXPENDED PUBLIC FUNDS.

(a) USE FOR QUALIFIED CAMPAIGN EXPENDITURES ONLY. Candidates who receive public financing may use the public funds solely to pay for qualified campaign expenditures and to repay loans used to pay for qualified campaign expenditures except that public funds may be used to pay filing fees and costs incurred after the election that do not directly affect the outcome of the election, including but not limited to utility bills, expenses associated with an audit, and expenses related to preparing post-election campaign finance disclosure reports as required by the California Political Reform Act, Government Code Section 81000, et seq., and the provisions of this Chapter. Candidates may not use public funds to pay for expenses incurred in connection with an administrative or judicial proceeding. Candidates may not use public funds to pay administrative, civil or criminal fines, including late filing fines, or to pay for inaugural activities or officeholder expenses. Candidates may not use public funds to pay post-election bonuses to campaign employees or for election victory celebrations or similar post-election campaign events.

(b) WITHDRAWAL OR FAILURE TO QUALIFY. Any candidate who receives public financing but who withdraws or fails to qualify to have his or her name printed on the ballot in the election for which the public funds were provided shall repay the Election Campaign Fund the full sum received from the Fund.

(c) UNEXPENDED PUBLIC FUNDS.

Any candidate who receives public financing and whose committee has unexpended public funds shall pay to the City and County of San Francisco and deliver to the Ethics Commission those funds for deposit in the Election Campaign Fund no later than 30 days after the Ethics Commission completes its audit of the candidate's committee. Unexpended funds may be used to pay for expenses associated with an audit such as bank fees, treasurer fees and storage fees until the Ethics Commission completes its audit of the candidate's committee.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009)

#### SEC. 1.150. AUDIT; REPAYMENT.

(a) AUDIT. The Ethics Commission shall audit all candidate committees whose candidates have received public financing under this Chapter. Audits of candidate committees conducted under this Subsection shall begin within 60 days after the date the candidate committees' first post-election campaign disclosure report is required to be filed pursuant to Section 1.106 of this Chapter. In his or her discretion, the Executive Director may initiate additional targeted or randomly selected audits of any committee, irrespective of whether the committee received any public funds. At the request of the Executive Director, the Controller shall assist in conducting these audits.

(b) REPAYMENT.

(1) If the Ethics Commission determines that any portion of the payments made to a candidate from the Election Campaign Fund exceeded the aggregate amount of payments to which the candidate was entitled under this Chapter, the Commission shall notify the Controller and the candidate. In addition to any other penalties, the candidate shall pay to the City and County of San Francisco, and deliver to the Ethics Commission an amount equal to the amount of the excess payments, and if the Commission determines that any amount of any payment made to a candidate from the Election Campaign Fund was used for something other than qualified campaign expenditures, the candidate shall pay to the Ethics Commission an amount equal to the improper expenditure.

(2) Any candidate who receives public funds under this Chapter and exceeds his or her Individual Expenditure Ceiling by ten percent or more shall, in addition to any other penalties, pay to the Ethics Commission an amount equal to the amount of public funds the candidate received under this Chapter.

(3) All payments delivered to the Ethics Commission under this Section shall be deposited in the Election Campaign Fund.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009)

#### SEC. 1.152. SUPPLEMENTAL REPORTING IN ELECTIONS FOR BOARD OF SUPERVISORS AND MAYOR.

(a) ELECTIONS FOR THE BOARD OF SUPERVISORS. (1) In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter, each candidate committee supporting a candidate for the Board of Supervisors shall file a statement with the Ethics Commission indicating when the committee has received contributions to be deposited into its Campaign Contribution Trust Account, or made expenditures that equal or exceed \$5,000 within 24 hours of reaching or exceeding that amount.

(2) In addition to the supplemental report in Subsection (a)(1) of this Section, each candidate committee supporting a candidate for the Board of Supervisors shall file a statement with the Ethics Commission disclosing when the committee has received contributions to be deposited into its Campaign Contribution Trust Account, or made expenditures that in the aggregate equal or exceed \$100,000. The candidate committee shall file this report within 24 hours of reaching or exceeding the threshold. Thereafter, the candidate committee shall file an additional supplemental report within 24 hours of every time the candidate committee receives additional contributions to be deposited into its Campaign Contribution Trust Account, or makes additional expenditures that in the aggregate equal or exceed \$10,000.

(3) Any person other than a candidate committee who makes expenditures for the purpose of distributing independent expenditures, electioneering communications, or member communications that clearly identify any candidate for the Board of Supervisors, and the amount of those expenditures in the aggregate equals or exceeds \$5,000 per candidate, shall, within 24 hours of reaching or exceeding this threshold, file a statement with the Ethics Commission. Such statement shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission. Every person who is required to file a statement with the Ethics Commission pursuant to this Subsection shall indicate on the statement which candidate or candidates for the Board of Supervisors the independent expenditures, electioneering communications, or member communications disclosed on the statement support or oppose, or whether they are neutral. For the purposes of this Subsection, the costs of a

communication that supports or opposes more than one candidate or ballot measure shall be apportioned among each candidate and measure in the communication.

Thereafter, any such person shall file a supplemental statement with the Ethics Commission each time the person makes expenditures for the purpose of distributing independent expenditures, electioneering communications or member communications that clearly identify any candidate for the Board of Supervisors in an amount that in the aggregate equals or exceeds an additional \$5,000 per candidate. The supplemental statements shall be filed within 24 hours of reaching or exceeding this threshold, and shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission.

The Executive Director shall post the information disclosed on statements required by this subsection on the website of the Ethics Commission within two business days of the statement's filing.

**(b) ELECTIONS FOR MAYOR.**

(1) In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter, each candidate committee supporting a candidate for Mayor shall file a statement with the Ethics Commission indicating when the candidate committee has received contributions to be deposited into its Campaign Contribution Trust Account, or made expenditures that equal or exceed \$50,000 within 24 hours of reaching or exceeding that amount.

(2) In addition to the supplemental report in Subsection (b)(1) of this Section, each candidate committee supporting a candidate for Mayor shall file a statement with the Ethics Commission disclosing when the candidate committee has received contributions to be deposited into its Campaign Contribution Trust Account, or made expenditures that in the aggregate equal or exceed \$1,000,000. The candidate committee shall file this report within 24 hours of reaching or exceeding the threshold. Thereafter, the candidate committee shall file an additional supplemental report within 24 hours of every time the candidate committee receives additional contributions, or makes additional expenditures that in the aggregate equal or exceed \$50,000.

(3) Any person other than a candidate committee who makes expenditures for the purpose of distributing independent expenditures, electioneering communications, or member communications that clearly identify any candidate for Mayor, and the amount of those expenditures in the aggregate equals or exceeds \$5,000 per candidate, shall, within 24 hours of reaching or exceeding this threshold, file a statement with the Ethics Commission. Such statement shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission. Every person who is required to file a statement with the Ethics Commission pursuant to this Subsection shall indicate on the statement which candidate or candidates for Mayor the independent expenditures, electioneering communications, or member communications disclosed on the statement support or oppose, or whether they are neutral. For the purposes of this Subsection, the costs of a communication that supports or opposes more than one candidate or ballot measure shall be apportioned among each candidate and measure in the communication.

Thereafter, any such person shall file a supplemental statement with the Ethics Commission each time the person makes expenditures for the purpose of distributing independent expenditures, electioneering communications or member communications that clearly identify any candidate for Mayor in an amount that in the aggregate equals or exceeds an additional \$5,000 per candidate. The supplemental statements shall be filed within 24 hours of reaching or exceeding this threshold, and shall include a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and provide any additional information required by the Ethics Commission.

The Executive Director shall post the information disclosed on statements required by this subsection on the website of the Ethics Commission within two business days of the statement's filing.

(c) The supplemental statements required by Subsections (a)(2), (a)(3), (b)(2) and (b)(3) are not required until the Ethics Commission has certified that at least one candidate is eligible to receive public funds under this Chapter, provided that within two business days of the date that the Ethics Commission provides notice under this subsection that it has certified that a candidate is eligible to receive public funds under this Chapter, any report that previously would have been required under (a)(2), (a)(3), (b)(2) or (b)(3) must be filed. Within two business days of certifying that at least one candidate is eligible to receive public financing under this Chapter, the Ethics Commission shall post a notice on its website, send out a press release and send written notice by regular or electronic mail to all other candidates running for the same City elective office and to any other person who has requested such notice.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.154. INSUFFICIENT FUNDS IN ELECTION CAMPAIGN FUND.**

(a) **REPORT BY CONTROLLER.** At the request of the Ethics Commission, the Controller shall provide a statement of the total amount of funds in the Election Campaign Fund.

**(b) INSUFFICIENT FUNDS.**

(1) Elections for Mayor. No later than August 1 before an election for Mayor, the Executive Director shall notify the Commission and the Board of Supervisors whether \$7.50 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If \$7.50 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that \$7.50 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.

(2) Elections for the Board of Supervisors. No later than August 1 before an election for the Board of Supervisors, the Executive Director shall notify the Commission and the Board of Supervisors whether \$1.50 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If \$1.50 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that \$1.50 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 64-12, File No. 111082, App. 4/20/2012)

**SEC. 1.156. REPORT TO THE MAYOR AND BOARD OF SUPERVISORS.**

Following each election at which the Mayor or members of the Board of Supervisors are elected, the Ethics Commission shall submit a report to the Mayor and Board of Supervisors. The report shall state the amount of public funds used to pay for election campaigns in that election and such other information as the Ethics Commission deems useful, including the number of candidates who received public funds; the number of nonparticipating candidates; the amount of qualified campaign expenditures made by all candidates in that election; and the amount of independent expenditures made in connection with the election.

(Added by Proposition O, 11/7/2000; amended by Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.158.**

(Added by Proposition O, 11/7/2000; repealed by Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.160.**



(Added by Proposition O, 11/7/2000; repealed by Ord. 234-09; File No. 090989, App. 11/10/2009)

### SEC. 1.160.5. DISCLOSURE AND FILING FOR PERSUASION POLLS

#### (a) DEFINITIONS.

Whenever in this Section the following words or phrases are used, they shall mean:

- (1) "Persuasion poll" shall mean any telephone survey, or series of telephone surveys that are substantially similar or identical, that
  - (A) refers to a clearly identified candidate for City elective office or a City elective officer, other than in a basic preference question;
  - (B) includes at least one call made within 60 days prior to an election for the City elective office sought by the candidate named in the survey or a recall election regarding the City elective officer named in the survey;
  - (C) includes at least 1,000 completed calls, such as person-to-person discussions following the survey script; and
  - (D) for which at least two of the following are true:
    - (i) Each phone conversation in the survey takes less than four minutes on average to complete, excluding any sponsorship identification;
    - (ii) The survey includes fewer than three demographic inquiries regarding factors such as age, educational level, or marital status, sufficient to allow for the tabulation of results based on relevant subset(s) of the population consistent with standard polling industry practices;
    - (iii) The persons conducting the survey do not collect or tabulate survey results for all the phone conversations;
    - (iv) The survey includes an untrue statement about the candidate or officer described in section (a)(1)(A); or
    - (v) The survey is designed or intentionally conducted in a manner calculated to influence the vote of the respondent in the election described in subsection (a)(1)(B).
- (2) "Basic preference question" shall mean:
  - (A) a question which provides a respondent with a list of names of candidates for City elective office without providing or implying any information regarding any candidate and asks which candidate the respondent supports in a particular race, or
  - (B) a question which names a City elective officer without providing or implying any information regarding the officer and asks whether the respondent supports or opposes the recall of that officer.
- (3) "Payment" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "payment" shall also include any enforceable promise to make a payment.
- (4) "Refers to a clearly identified candidate for City elective office or a City elective officer" shall mean any communication that contains the candidate's or officer's name or nickname or makes any other unambiguous reference to the candidate or officer such as "your Supervisor" or "the incumbent."
- (5) "Disclosure Date" shall mean:
  - (A) The date that a written formal agreement regarding the persuasion poll is made between the person making the calls and the poll sponsor(s) or the sponsor(s) agent;
  - (B) The date of the 1,000th call in the poll; and
  - (C) After a person has met the threshold under Subsection (B), the date of each 1,000th additional call in the poll.

#### (b) TELEPHONIC DISCLOSURE.

No person shall authorize, administer or make payment for a persuasion poll unless, at the beginning of each call, the person making the call identifies the person(s) making payments for or authorizing the call by stating "This is a paid political advertisement by [Name of person(s)]," and identifies the person making the call, if different from the sponsor, by stating "This call is conducted by [Name of person]." These disclosures shall be spoken at the same volume and speed as the rest of the communication so as to be clearly audible by the call recipient and otherwise appropriately conveyed for the hearing impaired. These disclosures shall be repeated upon request of the call recipient.

#### (c) FILING.

- (1) Any person who authorizes, administers or makes payment for a persuasion poll shall, within 48 hours of each disclosure date, file an itemized statement with the San Francisco Ethics Commission. A person authorizing, administering or making payment for a persuasion poll is not required to file an itemized statement under this Section if the person is aware that another person authorizing, administering or making payment for the same persuasion poll has filed an authorized statement for the persuasion poll as required by this Section.
- (2) Each itemized statement required to be filed under this Section shall be filed on a form promulgated by the San Francisco Ethics Commission and shall contain the following information:
  - (A) the full name, street address, city, state and zip code of each person who authorizes, administers or makes payment for the persuasion poll;
  - (B) the full name, street address, city, state and zip code of each person sharing or exercising direction and control over the person authorizing, administering or making payments for the survey;
  - (C) the dates during which the persuasion poll was conducted;
  - (D) for each day, the number of calls attempted to households in the City and County of San Francisco if the election described in subsection (a)(1) is a City-wide election, or the number of calls to households in the district if the election described in subsection (a)(1)(B) is a district election;
  - (E) for each day, the number of individuals contacted and the number of messages left in households in the City and County of San Francisco if the election described in subsection (a)(1)(B) is a City-wide election, or the number of individuals contacted and the number of messages left in households in the district if the election described in subsection (a)(1)(B) is a district election;
  - (F) a detailed accounting of any payments of \$100.00 or more that the person has received from another person, which were used for conducting or administering the persuasion poll; such detailed accounting shall include the dollar amount or value of each payment; the date of the payment's receipt; the name, street address, city, state, and zip code of the person who made such payment; the occupation and employer of the person who made such payment, if any, or, if the person is self-employed, the name of the person's business; and the cumulative amount of payments received for the purpose of conducting or administering persuasion polls from that person during the calendar year;
  - (G) a copy of the script used in conducting the persuasion poll, if any, and a copy of every question asked in the survey and every statement made to respondents in the survey; and
  - (H) any other information required by the Ethics Commission consistent with the purposes of this Section.
- (3) The filer shall verify, under penalty of perjury, the accuracy and completeness of the information provided in the itemized statement, and shall retain for a period of five years all books, papers and documents necessary to substantiate the itemized statements required by this Section.
- (4) The Ethics Commission may require any itemized statement to be filed electronically and may permit any required statement to be filed by facsimile. The Ethics Commission shall promulgate regulations to implement this subsection before any person shall be required to file an itemized statement electronically or permitted to file a statement by facsimile.
- (5) If any person files an itemized statement after any deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the person \$10.00 per day after the deadline until the statement is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.
- (d) The Ethics Commission may adopt regulations exempting additional types of polls from the provisions of this Section to effectuate the purpose of this Section.

(Added by Ord. 266-07, File No. 071090, App. 11/14/2007)

### SEC. 1.161. DISCLOSURE AND FILING REQUIREMENTS FOR MASS MAILINGS.

#### (a) MASS MAILINGS BY CANDIDATES.

- (1) Disclosure. In addition to the requirements set forth in California Government Code Section 84305, each mass mailing paid for by a candidate committee shall include on the outside of each piece of mail in the mass mailing the following statement in not less than 14 point type and in a color

or print which contrasts with the background so as to be easily legible; "paid for by \_\_\_\_\_ (insert candidate committee's name and street address)." A post office box may be stated in lieu of a street address if the candidate committee's address is a matter of public record with the Ethics Commission.

(2) Filing.

(i) Each candidate committee that pays for a mass mailing shall, within five working days after the date of the mailing, file two pieces of the mailing with the Ethics Commission.

(ii) Each candidate committee that pays for a mass mailing shall, within five business days after the date of the mailing, file an itemized disclosure statement with the Ethics Commission for that mailing.

(iii) Each candidate committee that pays for a mass mailing shall file two pieces of mail and the itemized disclosure statement required by Subsections (a)(2)(i) and (a)(2)(ii) within 48 hours of the date of the mailing if the date of the mailing occurs within the final 16 days before the election.

(iv) Every mass mailing filed pursuant to this subsection shall be clearly legible.

(b) MASS MAILINGS BY PERSONS OTHER THAN CANDIDATES.

(1) Disclosure. Any person who makes independent expenditures for a mass mailing which supports or opposes any candidate for City elective office shall place the following statement on the mailing in typeface no smaller than 14 points:

Notice to Voters (Required by City and County of San Francisco) This mailing is not authorized or approved by any candidate for City and County office or by any election official. It is paid for by [name and committee identification number]. [address, city, state]. Total Cost of this mailing is [amount].

(2) Filing.

(i) Each person who makes independent expenditures of \$1,000 or more for a mass mailing which supports or opposes any candidate for City elective office shall, file two pieces of the mailing and an itemized disclosure statement for the mailing with the Ethics Commission, unless that person is otherwise required to file disclosures regarding the communication under Section 1.134, 1.152, or 1.161.5 of this Code.

(ii) Any filing required by this Section shall be submitted within five business days after the date of the mailing if the date of the mailing is more than 16 days before the election, and within 48 hours after the mailing if the date of the mailing occurs within the final 16 days before the election.

(iii) Every piece of mail filed pursuant to this Section shall be clearly legible.

(iv) The Ethics Commission may permit any required statement or mailing to be filed by facsimile.

(Amended by Ord. 261-07, File No. 071290, App. 11/14/2007; Ord. 234-09, File No. 090989, App. 11/10/2009)

## SEC. 1.161.5. DISCLOSURE AND FILING FOR ELECTIONEERING COMMUNICATIONS.

### (a) DISCLOSURE STATEMENTS.

(1) Every electioneering communication shall include a disclosure statement identifying the person who paid for the communication. Such disclosure statement shall, at a minimum, contain the following words, "paid for by \_\_\_\_\_ (insert the name of the person who paid for the communication)."

(2) Any disclosure statement required by this section to be in printed form shall be printed in a type and color so as to be easily legible to the intended public. Such disclosure statement shall be printed in at least 14 point type and in a color or print that contrasts with the background so as to be easily legible to the intended public.

(3) Any disclosure statement required by this Section to be in spoken form shall be spoken at the same volume and speed as the rest of the communication so as to be clearly audible and understood by the intended public and otherwise appropriately conveyed for the hearing impaired.

### (b) REPORTING OBLIGATIONS.

(1) Every person who makes payments for electioneering communications in an aggregate amount of \$1,000 during any calendar year shall, within 48 hours of each disclosure date, file an itemized disclosure statement with the Ethics Commission, unless that person is otherwise required to file disclosures regarding the communication under Section 1.134, 1.152, or 1.161 of this Code.

(2) Each itemized disclosure statement required to be filed under this Section shall contain the following information:

(A) the full name, street address, city, state and zip code of the person making payments for electioneering communications;

(B) the name of any individual sharing or exercising direction and control over the person making payments for electioneering communications;

(C) the total amount of payments made by the person for electioneering communications during the calendar year;

(D) a detailed description of each payment made by the person for electioneering communications during the calendar year, provided that the person has not already reported such payments on an itemized disclosure statement filed under this Section; such detailed description shall include the date the payment was made, the full name and address of the person to whom the payment was made; the amount of the payment, and a brief description of the consideration for which each payment was made;

(E) a detailed accounting of any payments of \$100 or more that the person has received from another person, which were used for making electioneering communications, provided that the person has not already reported such payments received on an itemized disclosure statement filed under this Section; such detailed accounting shall include the dollar amount or value of each payment, the date of the payment's receipt, the name, street address, city, state, and zip code of the person who made such payment, the occupation and employer of the person who made such payment, if any, or, if the person is self-employed, the name of the person's business, and the cumulative amount of payments received for the purpose of making electioneering communications from that person during the calendar year;

(F) the total amount of all payments reported under Subsection (E) during the calendar year;

(G) a legible copy of the electioneering communication if in printed form, or a transcript of the electioneering communication if in spoken form; and

(H) any other information required by the Ethics Commission consistent with the purposes of this Section.

(3) The filer shall verify, under penalty of perjury, the accuracy and completeness of the information provided in the itemized disclosure statement, and shall retain for a period of five years all books, papers and documents necessary to substantiate the itemized statements required by this Section.

(4) The Ethics Commission may permit any required statement or mailing to be filed by facsimile.

(c) DEFINITIONS. Whenever in this Section the following words or phrases are used, they shall mean:

(1) "Disclosure Date" shall mean:

(A) the first date during any calendar year when an electioneering communication is distributed after a person has made payments aggregating \$1,000.00 for electioneering communications; and

(B) after a person has met the threshold under Subsection (A), any date during that same calendar year when an electioneering communication is distributed, if that same person made any payments for such electioneering communication.

(2) "Distributed" shall mean any act that permits an electioneering communication to be viewed, read or heard.

(3) "Electioneering Communication" shall mean any communication, including but not limited to any broadcast, cable, satellite, radio, internet, or telephone communication, and any mailing, flyer, doorhanger, pamphlet, brochure, card, sign, billboard, facsimile, or printed advertisement, that:

(A) refers to a clearly identified candidate for City elective office or a City elective officer who is the subject of a recall election; and

(B) is distributed within 90 days prior to an election for the City elective office sought by the candidate or a recall election regarding the City elective officer to 500 or more individuals who are registered to vote or eligible to register to vote in the election or recall election. There shall be a rebuttable presumption that any that any broadcast, cable, satellite, or radio communication and any sign, billboard or printed advertisement is distributed to 500 or more individuals who are eligible to vote for or against the candidate clearly identified in the communication.

(C) The term "Electioneering Communication" shall not include:

(i) communications that constitute independent expenditures under this Chapter;

(ii) communications made by a slate mailer organization if such communications are required to be disclosed under the California Political Reform Act, California Government Code Section 81000, et seq.;

(iii) communications paid for by the City or any other local, State or Federal government agency;



- (iv) non-recorded communications between two or more individuals in direct conversation unless such communications are made by telephone and at least one of the individuals is compensated for the purposes of making the telephone communication;
  - (v) communications that appear on bumper stickers, pins, stickers, hat bands, badges, ribbons and other similar memorabilia;
  - (vi) news stories, commentaries or editorials distributed through any newspaper, radio station, television station, or other recognized news medium unless such news medium is owned or controlled by any political party, political committee or candidate;
  - (vii) communications to all members, employees and shareholders of an organization, other than a political party, provided that such communications do not constitute general public advertising such as, but not limited to, broadcasting, billboards, and newspaper advertisements;
  - (viii) communications that occur during a candidate debate or forum; and
  - (ix) communications made solely to promote a candidate debate or forum made by or on behalf of the person sponsoring the debate or forum, provided that such communications do not otherwise discuss the positions or experience of a candidate for City elective office or a City elective officer who is the subject of a recall election.
- (4) "Internet Communication" shall include paid internet advertisements such as "banner" and "pop up" advertisements, paid emails or emails sent to addresses purchased from another person, and similar types of internet communications as defined by the Ethics Commission by regulation, but shall not include web blogs, listserves sent to persons who have contacted the sender, discussion forums, or general postings on web pages.
- (5) "Payment" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "payment" shall also include any enforceable promise to make a payment.
- (6) "Refers to a clearly identified candidate for City elective office or a City elective officer who is the subject of a recall election" shall mean any communication that contains the candidate's or officer's name, nickname or image or makes any other unambiguous reference to the candidate or officer such as "your Supervisor" or "the incumbent."
- (D) REGULATIONS. The Ethics Commission shall issue regulations implementing this Section, including regulations defining all members, employees and shareholders of an organization.
- (Added by Ord. 71-05, File No. 041489, App. 4/15/2005; amended by Ord. 75-05, File No. 050624, App. 4/27/2005; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09; File No. 090989, App. 11/10/2009)

### SEC. 1.162. DISCLOSURE REQUIREMENTS – CAMPAIGN ADVERTISEMENTS.

#### (a) DISCLOSURE.

Any campaign advertisement that urges support for or opposition to one or more candidates for City elective office shall include a disclosure statement identifying the person who paid for the advertisement. Such disclosure statement shall, at a minimum, contain the following words, "paid for by \_\_\_\_\_ (insert the name of the person who paid for the communication)" and appear at least once on the advertisement.

(1) Any disclosure statement required by this section to be in printed form shall be printed in a type and color so as to be easily legible to the intended public. Such disclosure statement shall be printed in at least 14-point type and in a color or print that contrasts with the background so as to be easily legible to the intended public.

(2) Any disclosure statement required by this section to be in spoken form shall be spoken at the same volume and speed as the rest of the communication so as to be clearly audible and understood by the intended public and otherwise appropriately conveyed for the hearing impaired.

#### (b) DEFINITIONS.

For the purposes of this section, the term "campaign advertisement" means:

- (1) programming received by a television or radio;
- (2) a communication placed in a newspaper, periodical or magazine of general circulation;
- (3) posters, door hangers, and yard signs produced in quantities of 200 or more; and
- (4) a billboard.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 261-07, File No. 071290, App. 11/14/2007) (Derivation: Former Administrative Code Section 16.510-7; added by Proposition N, 11/7/95)

### SEC. 1.162.5.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006; amended by Ord. 261-07, File No. 071290, App. 11/14/2007)

### SEC. 1.163. DISCLOSURE REQUIREMENTS--RECORDED TELEPHONE MESSAGES.

Any recorded telephone message distributed to 500 or more individuals or households must include the following statement: "paid for by \_\_\_\_\_ (insert name of person who paid for the recorded telephone message)." Statements required pursuant to this Section shall be audible and played at the same volume and speed as the rest of the recorded telephone message. Any person paying for a recorded telephone message must maintain a transcript of the message and a record of the number of distributed calls for each message.

(Added by Ord. 187-01, File No. 010779, App. 8/31/2001; amended by Ord. 141-03, File No. 030034, App. 6/27/2003)

### SEC. 1.163.5. DISTRIBUTION OF CAMPAIGN ADVERTISEMENTS CONTAINING FALSE ENDORSEMENTS.

#### (a) PROHIBITION.

No person may sponsor any campaign advertisement that is distributed within 90 days prior to an election and that contains a false endorsement, where the person acts with knowledge of the falsity of the endorsement or with reckless disregard for the truth or falsity of the endorsement. A false endorsement is a statement, signature, photograph, or image representing that a person expressly endorses or conveys support for or opposition to a candidate or measure when in fact the person does not expressly endorse or convey support for or opposition to the candidate or measure as stated or implied in the campaign communication.

(b) DEFINITIONS. Whenever in this section the following words or phrases are used, they shall mean:

- (1) "Campaign advertisement" is any mailing, flyer, doorhanger, pamphlet, brochure, card, sign, billboard, facsimile, printed advertisement, broadcast, cable, satellite, radio, Internet, or recorded telephone advertisement that refers to one or more clearly identified candidates or ballot measures. The term "campaign advertisement" does not include:
  - (A) bumper stickers, pins, stickers, hat bands, badges, ribbons and other similar campaign memorabilia;
  - (B) news stories, commentaries or editorials distributed through any newspaper, radio, station, television station or other recognized news medium unless such news medium is owned or controlled by any political party, political committee or candidate; or
  - (C) material distributed to all members, employees and shareholders of an organization, other than a political party;
- (2) "Internet advertisement" includes paid internet advertisements such as "banner" and "pop-up" advertisements, paid emails, or emails sent to addresses purchased from another person, and similar types of internet advertisements as defined by the Ethics Commission by regulation, but shall not include web blogs, listserves sent to persons who have contacted the sender, discussion forums, or general postings on web pages.
- (3) "Sponsor" means to pay for, direct, supervise or authorize the production of campaign advertisement.

(c) ENFORCEMENT PENALTIES. The penalties under section 1.170(a) of this Chapter do not apply to violations of this section. Notwithstanding the 60-day waiting period in section 1.168 of this Chapter, a voter may bring an action to enjoin a violation of this section immediately upon providing written notice to the City Attorney. A court may enjoin a violation of this section only upon a showing of clear and convincing evidence of a violation.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006)

### SEC. 1.164. DUTIES OF ETHICS COMMISSION.

In addition to other duties required under the Charter and the terms of this Chapter, the Ethics Commission shall:

- (a) Prepare and publish written instructions explaining the duties of persons, candidates and committees under this Chapter.
- (b) Determine whether required statements and declarations have been filed with the Ethics Commission, and, if so, whether they conform on their face with the requirements of this Chapter.
- (c) Notify promptly all persons, candidates and committees known to the Ethics Commission who have failed to file a statement in the form and at the time required by State and local law.
- (d) Report apparent violations of this Chapter to the District Attorney.
- (e) Compile and maintain a current list of all statements or parts of statements filed with the Ethics Commission pertaining to each candidate and each measure.
- (f) Cooperate with the District Attorney and the City Attorney in the performance of their duties as they are related to this Chapter.
- (g) Enforce or cause to be enforced the provisions of this Chapter.
- (h) Prepare and publish adequate procedures to notify all persons, candidates and committees in advance relative to filing dates and forms required by State and local law.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003) (Derivation: Former Administrative Code Section 16.512; amended by Ord. 292-76, App. 7/17/76; Ord. 386-95, App. 12/14/95)

#### SEC. 1.166. DUTIES OF ENFORCEMENT AUTHORITY.

In addition to the other duties required of him or her under the provisions of this Chapter, the enforcement authority for civil enforcement shall review such campaign statements filed with the Ethics Commission as the Commission shall refer to him or her for legal compliance with the provisions of this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000) (Derivation: Former Administrative Code Section 16.513; amended by Ord. 361-80, App. 8/5/80; Ord. 386-95, App. 12/14/95)

#### SEC. 1.168. ENFORCEMENT; ADVICE.

##### (a) ENFORCEMENT- GENERAL PROVISIONS.

Any person who believes that a violation of this Chapter has occurred may file a complaint with the Ethics Commission, City Attorney or District Attorney. The Ethics Commission shall investigate such complaints pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney and District Attorney shall investigate, and shall have such investigative powers as are necessary for the performance of their duties under this Chapter.

##### (b) ENFORCEMENT- CIVIL ACTIONS.

The City Attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter.

No voter may commence an action under this Subsection without first providing written notice to the City Attorney of intent to commence an action.

The notice shall include a statement of the grounds for believing a cause of action exists. The voter shall deliver the notice to the City Attorney at least 60 days in advance of filing an action. No voter may commence an action under this Subsection if the Ethics Commission has issued a finding of probable cause that the defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney has commenced a civil or criminal action against the defendant, or if another voter has filed a civil action against the defendant under this Subsection.

A Court may award reasonable attorney's fees and costs to any voter who obtains injunctive relief under this Subsection. If the Court finds that an action brought by a voter under this Subsection is frivolous, the Court may award the defendant reasonable attorney's fees and costs.

##### (c) STATUTE OF LIMITATIONS.

(1) Criminal. Prosecution for violation of this Chapter must be commenced within four years after the date on which the violation occurred.

(2) Civil. No civil action alleging a violation in connection with a campaign statement required under this Chapter shall be filed more than four years after an audit could begin, or more than one year after the Executive Director submits to the Commission any report of any audit conducted of the alleged violator, whichever period is less. Any other civil action alleging a violation of any provision of this Chapter shall be filed no more than four years after the date on which the violation occurred.

(3) Administrative. No administrative action alleging a violation of this Chapter and brought under Charter Section C3.699-13 shall be commenced more than four years after the date on which the violation occurred. The date on which the Commission forwards a complaint or information in its possession regarding an alleged violation to the District Attorney and City Attorney as required by Charter Section C3.699-13 shall constitute the commencement of the administrative action.

(4) Collection of fines and penalties. A civil action brought to collect fines or penalties imposed under this Chapter shall be commenced within four years after the date on which the monetary penalty or fine was imposed. For purposes of this Section, a fine or penalty is imposed when a court or administrative agency has issued a final decision in an enforcement action imposing a fine or penalty for a violation of this Chapter or the Executive Director has made a final decision regarding the amount of a late fine or penalty imposed under this Chapter. The Executive Director does not make a final decision regarding the amount of a late fine or penalty imposed under this Chapter until the Executive Director has made a determination to accept or not accept any request to waive a late fine or penalty where such waiver is expressly authorized by statute, ordinance, or regulation.

(d) ADVICE. Any person may request advice from the Ethics Commission or City Attorney with respect to any provision of this Chapter. The Ethics Commission shall provide advice pursuant to Charter Section C3.699-12. The City Attorney shall within 14 days of the receipt of said written request provide the advice in writing or advise the person who made the request that no opinion will be issued. The City Attorney shall send a copy of said request to the District Attorney upon its receipt. The City Attorney shall within nine days from the date of the receipt of said written request send a copy of his or her proposed opinion to the District Attorney. The District Attorney shall within four days inform the City Attorney whether he or she agrees with said advice, or state the basis for his or her disagreement with the proposed advice.

No person other than the City Attorney who acts in good faith on the advice of the City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the material facts are stated in the request for advice and the acts complained of were committed in reliance on the advice.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered and amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 234-09; File No. 090989, App. 11/10/2009) (Derivation: Former Administrative Code Section 16.514; amended by Ord. 361-80, App. 8/5/80)

#### SEC. 1.170. PENALTIES.

(a) CRIMINAL. Any person who knowingly or willfully violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$5,000 for each violation or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 1.114 of this Chapter shall be punishable by a fine of not less than \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 of this Chapter, or three times the amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140.5, whichever is greater.

(b) CIVIL. Any person who intentionally or negligently violates any of the provisions of this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 or three times the amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140.5, whichever is greater.

(c) ADMINISTRATIVE. Any person who intentionally or negligently violates any of the provisions of this Chapter shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for any penalties authorized therein.

**(d) LATE FILING FEES**

(1) Fees for Late Paper Filings. In addition to any other penalty, any person who files a paper copy of any statement or report after the deadline imposed by this Chapter shall be liable in the amount of ten dollars (\$10) per day after the deadline until the statement is filed.

(2) In addition to any other penalty, any person who files an electronic copy of a statement or report after the deadline imposed by this Chapter shall be liable in the amount of twenty-five dollars (\$25) per day after the deadline until the electronic copy or report is filed.

(3) Limitation on Liability. Liability imposed by Subsection (d)(1) shall not exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater. Liability imposed by Subsection (d)(2) shall not exceed the cumulative amount stated in the late statement or report, or two hundred fifty dollars (\$250), whichever is greater.

(4) Reduction or Waiver. The Ethics Commission may reduce or waive a fee imposed by this subsection if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter.

(e) MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by this Chapter shall be subject to the penalties provided in this Section.

(f) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be subject to the penalties provided in this Section.

(g) PERSONAL LIABILITY. Candidates and treasurers are responsible for complying with this Chapter and may be held personally liable for violations by their committees. Nothing in this Chapter shall operate to limit the candidate's liability for, nor the candidate's ability to pay, any fines or other payments imposed pursuant to administrative or judicial proceedings.

(h) JOINT AND SEVERAL LIABILITY. If two or more persons are responsible for any violation of this Chapter, they shall be jointly and severally liable.

**(i) EFFECT OF VIOLATION ON CANDIDACY.**

(1) If a candidate is convicted, in a court of law, of a violation of this Chapter at any time prior to his or her election, his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election, unless the court at the time of sentencing specifically determines that this provision shall not be applicable. No person convicted of a misdemeanor under this Chapter after his or her election shall be a candidate for any other City elective office for a period of five years following the date of the conviction unless the court shall at the time of sentencing specifically determine that this provision shall not be applicable.

(2) If a candidate for the Board of Supervisors certified as eligible for public financing is found by a court to have exceeded the Individual Expenditure Ceiling in this Chapter by ten percent or more at any time prior to his or her election, such violation shall constitute official misconduct. The Mayor may suspend any member of the Board of Supervisors for such a violation, and seek the removal of the candidate from office following the procedures set forth in Charter section 15.105(a).

(3) A plea of nolo contendere, in a court of law, shall be deemed a conviction for purposes of this Section.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered and amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09; File No. 090989, App. 11/10/2009; Ord. 64-12, File No. 111082, App. 4/20/2012) (Derivation: Former Administrative Code Section 16.515; amended by Ord. 361-80, App. 8/5/80; Proposition N, 11/7/95)

**SEC. 1.171. ISSUANCE OF SUBPOENAS.**

The Ethics Commission, including its Executive Director, may issue subpoenas in furtherance of its duties under the Charter including, but not limited to, audits of committees and enforcement of the provisions of this Chapter.

(Added by Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.172. EXTENSION OF DEADLINES THAT FALL ON WEEKENDS AND HOLIDAYS.**

The Ethics Commission may, by regulation, extend any deadline imposed by this Chapter that falls on a Saturday, Sunday or holiday on which the Ethics Commission is authorized by law to close.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006)

(Derivation: Former Administrative Code Section 1.172 was added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000; repealed by Ord. 141-03, File No. 030034, App. 6/27/2003)

**SEC. 1.174. EFFECT OF VIOLATION ON CERTIFICATION OF ELECTION RESULTS.**

The Director of Elections shall not issue any certificate of nomination or election to any candidate until all of the candidate's campaign declarations, statements, or reports required under State and local law have been filed.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003) (Derivation: Former Administrative Code Section 16.517; amended by Ord. 114-76, App. 4/2/76)

**SEC. 1.175. IMPLEMENTING REGULATIONS; FORMS.**

Pursuant to Charter Section 15.102, the Ethics Commission shall adopt regulations to implement this Chapter. The Ethics Commission shall also specify the format and content of all forms and statements required to be filed under this Chapter.

(Added by Ord. 234-09; File No. 090989, App. 11/10/2009)

**SEC. 1.176. RULES OF CONSTRUCTION.**

This Chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to control campaign contributions shall avoid the effect of this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000) (Derivation: Former Administrative Code Section 16.518; amended by Ord. 114-76, App. 4/2/76)

**SEC. 1.178. SEVERABILITY.**

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered by Proposition O, 11/7/2000) (Derivation: Former Administrative Code Section 16.519; amended by Ord. 114-76, App. 4/2/76)

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San Francisco  
Ethics Commission



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ETHICS COMMISSION  
REGULATIONS FOR INVESTIGATIONS  
AND ENFORCEMENT PROCEEDINGS

*Effective Date: July 5, 1997*  
*Includes technical amendments effective April 13, 2002;*  
*Streamlined Process for Complaints Alleging a Failure to File Campaign Finance Disclosure*  
*Reports effective August 15, 2004; amendments effective October 10, 2005;*  
*amendments effective March 10, 2006; amendments effective November 10, 2006; amendments*  
*effective December 18, 2009; amendments effective January 8, 2010; amendments effective*  
*November 11, 2011; and amendments effective March 29, 2013*

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## I. PREAMBLE

These Regulations of the San Francisco Ethics Commission are promulgated in order to ensure the fair, just, and timely resolution of complaints presented to the Commission that allege violations of laws within the Commission's jurisdiction by:

1. Setting and maintaining objective standards for the investigation and prosecution of matters brought before the Commission;
2. Eliminating any political or improper influence in the investigation and prosecution of persons accused of ethics violations;
3. Protecting the privacy rights of those accused of ethics violations by maintaining the confidentiality of complaints filed with, and investigations conducted by, the Commission;
4. Setting and enforcing reasonable time limits within which enforcement proceedings should be completed;
5. Coordinating and sharing with other governmental agencies the responsibility for investigations and prosecutions of complaints, whenever consistent with the interests of justice;
6. Delegating to the Commission staff maximum discretion in the handling and resolution of complaints at staff level, while retaining oversight of those staff activities.

## II. DEFINITIONS

For purposes of these Regulations, the following definitions shall apply:

- A. "Business day" means any day other than a Saturday, Sunday, City holiday, or a day on which the Commission office is closed for business.
- B. "City" means the City and County of San Francisco
- C. "Commission" means the Ethics Commission.
- D. "Complainant" means a person or entity that makes a complaint.
- E. "Credible" means offering reasonable grounds for being believed.
- F. "Day" means calendar day unless otherwise specifically indicated. If a deadline falls on a weekend or City holiday, the deadline shall be extended to the next working day.

G. "Deliver" means transmit by U.S. mail or personal delivery to a person or entity or to an agent authorized to accept delivery on behalf of the person or entity. For purposes of these Regulations, delivery may be made by leaving copies of the material with a responsible person at either the residence or place of business of the person or entity to whom the material is directed. The Commission, the Executive Director or a respondent receiving material may consent to any other means of delivery, including delivery by e-mail or fax. In any proceeding, following a determination of probable cause, the Commission Chair or designated Commissioner or hearing officer may order that delivery of briefs or other materials be accomplished by e-mail.

H. "Enforcement action" means an action pursuant to San Francisco Charter section C3.699-13.

I. "Exculpatory information" means information tending to show that the respondent is not guilty of the alleged violations.

J. "Executive Director" means the Executive Director of the Commission or the Executive Director's designee.

K. "Mitigating information" means information tending to excuse or reduce the significance of the respondent's conduct.

L. "Probable cause" means that based on the evidence presented there is reason to believe that the respondent committed a violation of law.

M. "Respondent" means a person or entity that is alleged in a complaint to have committed a violation of law.

N. "Stipulated order" means an order regarding a complaint the terms of which have been agreed to by both the Executive Director and the respondent.

O. "Violation of law" means a violation of City laws relating to campaign finance, lobbying, campaign consulting, conflicts of interest, or governmental ethics, and State laws relating to campaign finance, conflicts of interest, or governmental ethics, including, but not limited to: San Francisco Charter section 15.100 et seq. and Appendix C (ethics); the San Francisco Campaign and Governmental Conduct Code; the Political Reform Act of 1974, Government Code section 81000 et seq.; Government Code section 1090 et seq.; and Government Code section 3201, et seq.

### **III. COMPLAINTS**

#### **A. Formal Complaints.**

1. Any person or entity may file a formal complaint alleging a violation of law. Formal complaints must be made in writing on a form specifically provided by the

Commission staff. Formal complaints must include the following information, upon the complainant's information and belief:

- (a) the name and address of the respondent;
- (b) the provision(s) of law allegedly violated;
- (c) the facts constituting the alleged violation(s);
- (d) the names and addresses of witnesses, if any; and
- (e) identification of documents or other evidence which may prove the facts constituting the alleged violation(s), if any.

2. Formal complaints may be filed anonymously. Any formal complaint not filed anonymously must be verified and signed by the complainant under penalty of perjury. If the complainant is an entity, the complaint must be verified and signed under penalty of perjury by an authorized officer or agent of the entity.

3. The Executive Director shall process and review all formal complaints, following the process described in Section IV.

**B. Informal Complaints.** Any person or entity may file an informal complaint alleging a violation of law by submitting a complaint by telephone, in person, or in writing other than on the form prescribed by the Commission. The Executive Director shall have no obligation but has the discretion to process and review informal complaints.

**C. Complaints Initiated by the Executive Director.** The Executive Director may initiate complaints. These complaints need not conform to the requirements for formal complaints specified in subsection A of this Section.

**D. Complaints Alleging a Violation of the Sunshine Ordinance.** Any complaint that alleges a violation of the San Francisco Sunshine Ordinance shall be governed by the Ethics Commission Regulations for Violations of the Sunshine Ordinance.

#### **IV. REVIEW OF COMPLAINTS**

**A. Preliminary Review.** The Executive Director must conduct a preliminary review of each formal complaint. This inquiry may include reviewing relevant documents, communicating with the complainant, communicating with the respondent, and any other inquiry to determine whether a full investigation is warranted.

**B. Dismissal of Complaint.** Based on the allegations and information contained in a complaint, and the Executive Director's preliminary review, the Executive Director may dismiss the complaint if the allegations do not warrant further action for reasons that may include, but are not limited to:



1. Credible evidence clearly refutes the allegations.
2. The allegations, if true, do not constitute a violation of law within the Commission's jurisdiction.
3. The complaint contains an expression of opinions, rather than specific allegations.
4. The allegations contained in the complaint are already under investigation, or already have been resolved, by the Commission or another law enforcement agency.

If the Executive Director dismisses a complaint under this section, the Executive Director shall take no further action on the complaint, except that he or she may: 1) inform the complainant of the Executive Director's decision; 2) at his or her discretion, issue a warning letter to the respondent; or 3) at his or her discretion, refer the complaint to another agency for its appropriate action.

The Executive Director shall provide a monthly summary to the Commission of each complaint dismissed, including the reasons for dismissal, provided that such information shall comply with the confidentiality requirements of the Charter.

**C. There is Reason to Believe a Violation May Have Occurred.** If, based on the allegations and information contained in a complaint, and the Executive Director's preliminary review, the Executive Director determines that there is reason to believe that a violation of law may have occurred, the Executive Director shall immediately forward the complaint to the District Attorney and the City Attorney.

Within ten business days after receipt of the complaint, the District Attorney and City Attorney shall inform the Commission whether the District Attorney or City Attorney has initiated or intends to pursue an investigation of the complaint.

If neither the District Attorney nor City Attorney intends to pursue an investigation, the Executive Director shall, within 14 days of such notification, inform the complainant in writing of the action, if any, that he or she has taken or plans to take on the complaint, together with the reasons for such action or non-action. If the Executive Director has not informed the complainant of the action that he or she has taken or plans to take on the complaint within 14 days, the complainant shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

## **V. CONDUCT OF INVESTIGATIONS**

**A. Factual Investigation.** The Executive Director's investigation may include, but shall not be limited to, the interview of the respondent(s) and any witnesses, the deposition of respondent(s) and/or witnesses, and the review of documentary and other evidence.

**B. Subpoenas.** During an investigation, the Executive Director may compel by subpoena the testimony of witnesses and the production of documents relevant to the investigation.

**VI. DETERMINATION THAT THERE IS NOT PROBABLE CAUSE TO BELIEVE A VIOLATION OF LAW HAS OCCURRED**

**A. Executive Director Determination and Calendaring.** If the Executive Director determines that there is not probable cause to believe that a violation of law has occurred, the Executive Director shall inform the Commission of that determination and provide clear and concise reasons supporting that determination. Thereafter any member of the Commission may cause the item to be calendared for consideration by the full Commission in a closed session at the next Commission meeting held no sooner than ten days after the date the Executive Director informs the Commission of the Executive Director's determination. A Commissioner's request that a complaint be calendared for consideration by the full Commission must be received by the Executive Director not less than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements.

**B. Commission Decision Not to Dismiss.** If the matter is calendared for consideration by the Commission, and if the Commission decides that there is reason to believe that a violation of law may have occurred, the Commission shall direct the Executive Director either to investigate the matter further or to prepare a probable cause report and schedule a probable cause hearing.

**C. Commission Decision to Dismiss.** If the matter is calendared for consideration by the Commission, and if the Commission decides that there is not reason to believe that a violation of law may have occurred, the Commission shall take no further action on the complaint other than: 1) inform the complainant and respondent of the Commission's decision; 2) at the Commission's discretion, issue a warning letter to the respondent; or 3) at the Commission's discretion, refer the complaint to another agency for its appropriate action.

**D. Commission Decision Not to Calendar.** If the Executive Director determines that there is not probable cause to believe that a violation of law has occurred, and if after the Executive Director informs the Commission of the determination the Commission does not calendar the matter for consideration pursuant to section VI(A), the Executive Director shall take no further action except that he or she may: 1) inform the complainant and respondent of the Executive Director's decision; 2) at his or her discretion, issue a warning letter to the respondent; or 3) at his or her discretion, refer the complaint to another agency for its appropriate action.

**VII. RECOMMENDATION THAT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION OF LAW HAS OCCURRED**

**A. Probable Cause Report.** When the Executive Director determines there is probable cause to believe a violation of law has occurred, the Executive Director shall prepare a written "probable cause report" and schedule a probable cause hearing. The probable cause report shall contain a summary of the laws that the Executive Director believes the respondent(s) violated and evidence gathered through the investigation, including any exculpatory and mitigating information. In the probable cause report, the Executive Director may present statements including hearsay, declarations of investigators or others relating to the statements of witnesses, or the examination of physical evidence. Unless otherwise permitted by the Commission Chair or the Commission Chair's designee for good cause shown, the probable cause report shall not exceed 25 pages excluding attachments.

**B. Delivery of Probable Cause Report and Notice of Probable Cause Hearing.** The Executive Director shall deliver to each respondent a copy of the probable cause report, with written notice of the date, time and location of the probable cause hearing, at least 45 days in advance of the hearing date. The notice shall inform each respondent that he or she has the right to be present and represented by counsel at the probable cause hearing.

**C. Response to the Probable Cause Report.**

1. Each respondent may submit a written response to the probable cause report. The response may contain legal arguments, a summary of evidence, and any mitigating or exculpatory information. Unless otherwise permitted by the Commission Chair or the Commission Chair's designee for good cause shown, the response shall not exceed 25 pages excluding attachments.

2. Each respondent who submits a response must deliver the response no later than 20 days prior to the date of the probable cause hearing. Unless the parties agree to deliver materials by email, the respondent must deliver a total of eight copies of the response to the Executive Director. The Executive Director must then immediately distribute copies of the response to the Commission. The respondent must also deliver one copy of the response to every other respondent named in the probable cause report.

**D. Rebuttal.** The Executive Director may submit evidence or argument in rebuttal to a response. If the Executive Director chooses to do so the Executive Director must deliver the rebuttal to the Commission and each respondent named in the probable cause report no later than seven days prior to the date of the probable cause hearing. Unless otherwise permitted by the Commission Chair or the Commission Chair's designee for good cause shown, the rebuttal shall not exceed ten pages excluding attachments.

**VIII. PROBABLE CAUSE HEARING; DETERMINATION OF WHETHER AND HOW TO PROCEED WITH A HEARING ON THE MERITS**

**A. General Rules and Procedures.**

1. Unless otherwise decided by the Commission, the Commission shall sit as a hearing panel to conduct the probable cause hearing. The Commission may assign one of its members to conduct the probable cause hearing and submit a report and recommendation to the Commission.

2. The hearing shall be closed to the public to the extent permitted by state law, unless the respondent requests that the probable cause hearing be held in public.

3. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the probable cause hearing. Neither the Executive Director nor the respondent(s) may present live witness testimony at the probable cause hearing.

4. The Commission may find that there is probable cause to believe a violation of law has occurred only if a person of ordinary caution and prudence would conclude, based on the evidence, that there is a reasonable ground to suspect that the respondent has committed the violation.

**B. Probable Cause Determination.**

1. If the Commission as a whole conducts the probable cause hearing, the Commission shall make the probable cause determination no later than 45 days after the date the hearing is concluded. If the Commission assigns one of its members to conduct the probable cause hearing, the assigned member shall submit a report and recommendation to the Commission no later than 30 days after the date the hearing concludes, and the Commission shall make the probable cause determination no later than 45 days after the assigned member delivers his or her report and recommendation.

2. A determination that there is probable cause to believe that a violation of law has occurred shall be based on the entire record of the proceedings. Each Commissioner who participates in the decision shall certify on the record that he or she personally heard or read the testimony (either in person or by listening to a tape or reading the transcript prepared by a court reporter) and reviewed the evidence, or otherwise reviewed the entire record.

3. The Commission shall not make a finding of probable cause if it is presented with clear and convincing evidence that, prior to the alleged violation:

(a) the respondent had requested and obtained a written opinion from the Commission;

(b) the respondent, in requesting the opinion, disclosed truthfully all the material facts pertinent to the case;

(c) the Commission or its staff issued a formal, written opinion with which both the District Attorney and City Attorney concurred; and

(d) the respondent committed the acts or violations alleged in the complaint in good-faith reliance upon the formal, written opinion of the Commission.

4. If the Commission determines that there is not probable cause to believe a violation has occurred, the Commission shall dismiss the complaint and take no further action on the complaint, except: 1) inform the complainant and each respondent of the Commission's decision; 2) at the Commission's discretion, issue a warning letter to the respondent; or 3) at the Commission's discretion, refer the complaint to another agency for its appropriate action.

5. If the Commission determines that there is probable cause to believe a violation of law has occurred, the Commission shall announce its determination in open session. The announcement shall contain a summary of the allegations for which the Commission determines there is probable cause to believe a violation of law has occurred and a cautionary statement that each respondent is presumed to be innocent unless and until such time that the allegations are proved in a subsequent hearing on the merits.

#### **C. Determination How to Proceed with Hearing on Merits.**

1. Following a determination of probable cause by the Commission, the Commission shall proceed with a hearing on the merits of the complaint. Unless otherwise decided by the Commission, the Commission shall sit as the hearing panel to hear the merits of the case. The Commission may also sit as the hearing panel to hear the case, with an outside hearing officer presiding, or designate an individual Commissioner or an outside hearing officer to hear the case and file a report and recommendation for decision by the Commission.

2. The Commission shall provide for resolution of preliminary matters in advance of the hearing on the merits. Unless otherwise decided by the Commission, the Commission Chair shall hear and decide preliminary matters pursuant to Section X, subsection B. The Commission alternatively may designate an individual Commissioner or an outside hearing officer to hear and decide preliminary matters.

3. The Commissioner or hearing officer assigned to decide preliminary matters shall also be authorized to provide for the issuance of subpoenas.

#### **D. Amending Probable Cause Determination.**

Before the Executive Director has scheduled the hearing on the merits, or no later than 60 days prior to the date the hearing on the merits is scheduled to commence, the Executive Director may request that the Commission amend the probable cause determination to add or amend allegations or charges against the respondent. If the Executive Director seeks to amend the probable cause determination, the Executive Director, the respondent(s) and the Commission shall follow the procedures set forth in Sections VII and VIII, and the Executive Director shall issue an amended accusation and notice of the hearing on the merits following the procedures set forth in Section IX.

IX. ISSUANCE OF ACCUSATION; SCHEDULING AND NOTICE OF HEARING ON MERITS

A. Issuance of Accusation.

Except as provided in Section XI, following a determination of probable cause by the Commission, the Executive Director shall issue an accusation. The accusation shall clearly specify the provisions of the laws that each respondent allegedly violated and shall set forth the acts or omissions with which each respondent is charged. The accusation shall list only those charges for which the Commission made a determination of probable cause. The Executive Director shall deliver a copy of the accusation to each respondent ten days after the Commission's probable cause determination. The accusation is a public document.

The Executive Director shall present the case in support of the accusation at the hearing on the merits. The accusation shall be the charging document for the purpose of the hearing on the merits. The commission shall not find that any respondent has committed a violation of law if the accusation does not allege such a violation and provide the respondent notice of the basis for the allegation.

B. Scheduling and Notice of Hearing on Merits.

The Executive Director shall schedule the hearing on the merits, and deliver written notice of the date, time and location of the commencement of the hearing to each respondent at least 45 days prior to the commencement of the hearing. The notice shall be in substantially the following form:

"You are hereby notified that a hearing will be held before the Ethics Commission (or name of hearing officer or assigned Commissioner) at \_\_\_ on the \_\_ day of \_\_, 20\_\_, at the hour of \_\_, at (location of \_\_\_\_\_), upon the charges made in the accusation. You may be present at the hearing, may, but need not, be represented by counsel, may present any relevant evidence, and will be given an opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Commission on or before (date)."

X. DISCOVERY; HEARING BRIEFS; PRELIMINARY MATTERS.

A. **Discovery.** The Executive Director and each respondent shall be entitled to pre-hearing discovery in accordance with the provisions of

California Administrative Procedure Act, Government Code, Title 2,  
Division 3, Part 1, Chapter 5, section 11500 et seq.

**B. Resolution of Preliminary and Procedural Matters.**

1. The Executive Director and any respondent may present preliminary matters, unrelated to the merits of the accusation, to the assigned Commissioner or hearing officer designated to hear such matters pursuant to Section VIII, subsection C(2). Preliminary matters may include, but are not limited to, the following:

- (a) procedural matters;
- (b) disqualification of any member of the Commission from participation in the hearing on the merits;
- (c) requests for dismissal of any charges in the accusation because, even if the allegations set forth in the accusation are true, those charges do not state a violation of law as alleged;
- (d) discovery motions; and
- (e) any other matters not related to the truth or falsity of the factual allegations in the accusation.

2. A request for resolution of preliminary matters must be delivered to the assigned Commissioner or hearing officer no later than 25 days prior to the commencement of a hearing on the merits. At the same time that the request is delivered to the assigned Commissioner or hearing officer, the requester must deliver copies of the request to the Executive Director and every other respondent named in the accusation.

3. The request for resolution of preliminary matters may contain legal arguments and a summary of the facts underlying the request. Unless otherwise permitted by the assigned Commissioner or hearing officer for good cause shown, the request shall not exceed 15 pages excluding attachments.

4. The Executive Director or each respondent may submit a written opposition to a request for resolution of preliminary matters. The opposition must be delivered to the assigned Commissioner or hearing officer no later than ten days after the date of delivery of the request. At the same time that the opposition is delivered to the assigned Commissioner or hearing officer, the party submitting the opposition must deliver copies of the opposition to the Executive Director and every other respondent named in the accusation. Unless otherwise permitted by the assigned Commissioner or hearing officer for good cause shown, the opposition shall not exceed ten pages excluding attachments.

5. The requestor may submit a written reply to an opposition. The reply must be delivered to the assigned Commissioner or hearing officer no later than five days after the

date of delivery of the opposition. At the same time that the reply is delivered to the assigned Commissioner or hearing officer, the party submitting the reply must deliver copies of the reply to the Executive Director and every other respondent named in the accusation. Unless otherwise permitted by the assigned Commissioner or hearing officer for good cause shown, the reply shall not exceed five pages excluding attachments.

6. The assigned Commissioner or hearing officer shall issue a written decision on each request for resolution of preliminary matters no later than five days prior to the commencement of the hearing on the merits.

7. The Executive Director or any respondent may submit a written request for reconsideration, by the Commission, assigned Commissioner or hearing officer who will conduct the hearing on the merits, of any decision made on preliminary matters. A party requesting reconsideration shall deliver the request on the Commission, assigned Commissioner or hearing officer, and the Executive Director and any other respondent, no less than three days prior to the hearing on the merits.

8. Before or during the hearing on the merits, the Executive Director and any respondent may file a request for resolution of a procedural matter affecting the conduct of the hearing. This request shall be directed to the Commissioner or hearing officer designated to hear preliminary matters pursuant to Section VIII, subsection C(2). The request shall follow the process outlined by paragraphs 2 through 5 of this section, except that the request may be submitted later than 25 days prior to the commencement of the hearing on the merits but may not be submitted after the conclusion of the hearing on the merits. If either party requests a written decision, the assigned Commissioner or hearing officer shall issue a written decision no later than 20 days after the date of the request.

#### **C. Hearing Briefs.**

The Executive Director shall, and any respondent may, submit a hearing brief. The brief shall outline significant legal arguments and list evidence and witnesses to be presented at the hearing. The brief is not required to list anticipated rebuttal evidence or rebuttal witnesses. Unless the Commission or outside hearing officer agrees to accept briefs by email, six copies of the brief shall be delivered to the Commission, assigned Commissioner, or outside hearing officer no later than 20 days prior to the date the hearing on the merits commences. The Executive Director shall deliver a copy of the Executive Director's brief to each respondent named in the accusation. Each respondent who chooses to submit a brief shall deliver copies of the respondent's brief to the Executive Director and to every other respondent named in the accusation.

#### **D. Issuance of Hearing Subpoenas.**

The Executive Director and any respondent named in the accusation may request the issuance of subpoenas for the attendance of witnesses and for the production of documents at the hearing on the merits. Requests for the issuance of subpoenas should be delivered no later than 20 days prior to the commencement of the hearing on the merits.



The request shall be accompanied by a declaration specifying the name and address of the witnesses and setting forth the materiality of their testimony. If the request is for a document subpoena, it shall be accompanied by a declaration which includes the following information: a specific description of the documents sought; an explanation of why the documents are necessary for the resolution of the complaint; and the name and address of the witness who has possession or control of the documents. Subpoenas may be issued upon approval of the Commission or the Commissioner or hearing officer designated by Section VIII, subsection C(2).

**XI. DISCOVERY OF EXCULPATORY INFORMATION AND DISMISSAL OF COMPLAINT PRIOR TO HEARING ON THE MERITS**

**A. Discovery of Exculpatory Information.** Following the delivery of the probable cause report, if the Executive Director is aware of or discovers any exculpatory information with respect to any charge listed in the accusation, the Executive Director shall notify the Commission and the respondent(s) of this information.

**B. Dismissal Recommendation.** After a determination of probable cause and before a hearing on the merits, the Executive Director may recommend that the Commission dismiss the complaint. The Executive Director may make such a recommendation based on the Executive Director's discovery of exculpatory information or other good cause. In such situations, if he or she has not done so already, the Executive Director is not required to issue an accusation and the Commission need not hold a hearing on the merits, unless the Commission overrides the Executive Director's dismissal recommendation.

**C. Commission Consideration of Dismissal Recommendation.** The Executive Director shall present the dismissal recommendation and the reasons for the recommendation to the Commission in a public memorandum. Thereafter, any member of the Commission may cause the complaint to be calendared for consideration by the full Commission in open session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the Executive Director's recommendation. A Commissioner's request that a complaint be calendared must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements. If members of the Commission do not cause the complaint to be calendared, or if in open session a majority of the Commission does not vote to override the dismissal recommendation, the Commission shall take no further action on the complaint except: 1) inform the complainant and each respondent of the Commission's decision; 2) at the Commission's discretion, issue a warning letter to the respondent; or 3) at the Commission's discretion, refer the complaint to another agency for appropriate action.

**D. Dismissal or Removal of Specific Charges.** After a determination of probable cause and before a hearing on the merits, the Executive Director may decide not to

proceed with a specific charge listed in the accusation. If the Executive Director makes such a determination, the Executive Director shall immediately notify in writing the respondent(s) and the Commission or hearing officer. If the Executive Director provides such notice, the Commission shall not find a violation based on the specific charge or violation after a hearing on the merits.

## XII. HEARING ON THE MERITS

### A. General Rules and Procedures.

#### 1. Public Hearing

The hearing on the merits shall be open to the public, provided that either the Executive Director or the respondent(s) may request that the Commission, assigned Commissioner or hearing officer exclude any witnesses.

#### 2. Standard of Proof

The Commission may determine that a respondent has committed a violation of law only if a person of ordinary caution and prudence would conclude, based on a preponderance of the evidence, that the respondent has committed the violation.

#### 3. Rules of Evidence

All evidence admissible in an administrative proceeding governed by the California Administrative Procedure Act shall be admissible in a hearing on the merits. The Executive Director and each respondent shall have the right to call and examine witnesses under oath or affirmation, to introduce exhibits, to cross-examine and impeach witnesses, and to rebut any evidence presented.

#### 4. Exhibits

Where both parties stipulate to the admissibility of an exhibit, the parties shall so advise the Commission in advance of the hearing. For all other exhibits, each party may move to admit a particular exhibit at the hearing, and the other party shall have an opportunity to object prior to the ruling on the admission.

#### 5. Witnesses

Witnesses shall be examined by the parties as follows: direct examination, cross-examination, re-direct. After the parties have concluded their examination of a witness, Commissioners shall have an opportunity to pose questions to the witness.

#### 6. Oral Argument

At the hearing, the Executive Director and each respondent shall be allowed oral argument. The Commission, assigned Commissioner, or hearing officer shall determine the appropriate length for the arguments.

**B. Finding of Violation.**

If the Commission as a whole conducts the hearing on the merits, the Commission shall determine, no later than 45 days after the date the hearing is concluded, whether the respondent has committed a violation of law. If the Commission assigns one of its members or an outside hearing officer to conduct the hearing on the merits, the assigned member or hearing officer shall submit a report and recommendation to the Commission no later than 30 days after the date the hearing is concluded. Thereafter, the Commission shall determine, no later than 45 days after the date the report and recommendation is delivered, whether the respondent has committed a violation of law.

The votes of at least three Commissioners are required to find a violation of law. The finding of a violation shall be supported by findings of fact and conclusions of law and shall be based on the entire record of the proceedings. Each Commissioner who participates in the decision shall certify on the record that he or she personally heard the testimony (either in person or by listening to a tape or recording of the proceeding) and reviewed the evidence, or otherwise reviewed the entire record of the proceedings.

**C. Administrative Orders and Penalties.**

1. The votes of at least three Commissioners are required to impose orders and penalties for a violation. The Commission may issue orders and penalties requiring the respondent(s) to:

(a) cease and desist the violation;

(b) file any reports, statements or other documents or information required by law; and/or

(c) pay a monetary penalty to the general fund of the City in an amount permitted under the law that the Commission finds the respondent has violated, or, if the law does not specify the amount of the monetary penalty, in an amount up to five thousand dollars (\$5,000) for each violation, or three times the amount which the respondent failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater.

2. When deciding on an order and penalties, the Commission shall consider all the relevant circumstances surrounding the case, including but not limited to:

(a) the severity of the violation;

(b) the presence or absence of any intention to conceal, deceive, or mislead;

- (c) whether the violation was deliberate, negligent or inadvertent;
- (d) whether the violation was an isolated incident or part of a pattern;
- (e) whether the respondent has a prior record of violations of law; and
- (f) the degree to which the respondent cooperated with the investigation and demonstrated a willingness to remedy any violations.

3. Unless otherwise ordered by the Commission, any penalties imposed by the Commission must be paid in full by the respondent within 90 days of the Commission's decision.

**D. Finding of No Violation.**

If the Commission determines that there is insufficient evidence to establish that the respondent has committed a violation, or if the Commission determines that there is sufficient evidence to establish that the respondent has not committed a violation, the Commission shall publicly announce this fact. Thereafter, the Commission shall take no further action on the complaint. The Executive Director shall inform each respondent and complainant of the Commission's determination.

**XIII. MISCELLANEOUS PROVISIONS**

**A. Ex Parte Communications.**

Once a complaint is filed, no Commissioner or staff member shall engage in oral or written communications outside of a Commission meeting, interview or settlement conference regarding the merits of an enforcement action with the respondent or complainant or any person communicating on behalf of the respondent or complainant unless the communication is necessary for the conduct of the investigation or enforcement action.

**B. Access to Complaints and Related Documents and Deliberations.**

1. No complaint, response thereto, investigative file or information contained therein, or Commissioner and staff deliberations about complaints shall be disclosed except as necessary to the conduct of an investigation, prior to a probable cause determination.
2. After a determination of probable cause, the probable report, the response, and the rebuttal shall be confidential, unless the respondent requested that the probable cause hearing be public. All investigative documents, including notes and memoranda, created prior to the probable cause determination, such as the complaint, shall remain confidential, except that the Executive Director may provide a copy of the complaint to the respondent(s) if the Executive Director determines that disclosure is necessary to the

conduct of the investigation. All investigative documents, including notes and memoranda, created by the Executive Director and his or her staff after the probable cause determination shall be confidential, except for the accusation, until any such documents are either delivered to the Commission or respondent(s), introduced as evidence or an exhibit, or distributed for public consumption, such as an agenda or press release.

3. In addition to the prohibition on ex parte communications stated in Section XIII, subsection A, except at a public meeting of the Commission, Commissioners are prohibited, prior to a final determination on the merits of a complaint, from engaging in oral or written communications regarding the merits of a complaint or enforcement action with any person or entity unless the communication is necessary for the conduct of the investigation or enforcement action. After a final determination on the merits of a complaint, Commissioners may discuss matters in the public record.

**C. Oaths and Affirmations.**

The Commission, and individual Commissioners and hearing officers assigned to conduct hearings, may administer oaths and affirmations.

**D. Selection of Designee by the Executive Director.**

Whenever the Executive Director designates an individual other than a member of the Commission staff to perform a duty arising from the Charter or these Regulations, the Executive Director shall notify the Commission of the designation no later than the next business day.

**E. Powers and Duties of Hearing Officers.**

1. Unless otherwise provided, whenever the Commission assigns an individual Commissioner or hearing officer to hear any matter under these Regulations, the assigned Commissioner or hearing officer shall have the same authority, and be subject to the same restrictions, as the Commission.

2. When an individual Commissioner or a hearing officer is assigned to hear and decide preliminary matters in advance of a hearing on the merits, he or she shall make an actual determination. This determination may be reviewed by the Commission upon request by the Executive Director or a respondent, pursuant to the procedures specified in Section X, subsection B(7).

3. When an individual Commissioner or a hearing officer is assigned to conduct a probable cause hearing or hearing on the merits, he or she shall submit a report and recommendation for decision by the Commission. The report and recommendation shall contain proposed findings of fact and conclusions of law. Copies of the report and recommendation shall be delivered to the Commission, Executive Director, and each respondent no later than 30 days after the date the hearing is concluded. Thereafter, the

Executive Director shall calendar the matter for consideration at the next Commission meeting not less than 15 days after the date the report and recommendation is delivered to the Commission.

4. When the Commission sits as the hearing panel to hear a case, with an outside hearing officer presiding, the hearing officer shall rule on procedural matters and on the admission and exclusion of evidence only, and shall have no role in the decision on the merits.

**F. Statute of Limitations:**

1. Unless otherwise stated in local or State law, for statute of limitations purposes, an action or proceeding for administrative penalties is brought or commenced by the Executive Director on the date the Executive Director delivers the probable cause report.

2. If there is no statute of limitations for violations of the law allegedly violated, the probable cause report must be delivered within four years of the date of events which form the basis of the complaint, or the date that the events constituting the basis of the complaint were discovered by the Ethics Commission, whichever is later.

**G. Extensions of Time and Continuances.**

Whenever the Executive Director, a respondent, or a witness is required to complete an act or produce materials pursuant to these Regulations, that party may request an extension of time. Requests for extensions of time may be made to the Commission Chair or the Commission Chair's designee. The requester must deliver the request to the Commission Chair or designee and provide a copy of the request to all other parties no later than ten business days before the deadline to complete an act or produce materials. The Commission Chair or designee shall have the discretion to consider untimely requests. The Commission Chair or designee shall approve or deny the request within five business days of the submission of the request. The Commission Chair or designee may grant the request only upon a showing of good cause.

The Executive Director or any respondent may request the continuance of a hearing date. The requester must deliver the request to the Commission Chair or the individual Commissioner or hearing officer assigned to hold the hearing, and provide a copy of the request to all other parties no later than ten business days before the date of the hearing. The Commission Chair or the individual Commissioner or hearing officer assigned to hold the hearing shall have the discretion to consider untimely requests.

The Commission Chair or the individual Commissioner or hearing officer assigned to hold the hearing shall approve or deny the request within five working days of the submission of the request. The Commission Chair or the individual Commissioner or hearing officer assigned to hold the hearing may grant the request only upon a showing of good cause.

#### **H. Referrals to Other Enforcement Agencies.**

At any time after the filing of a complaint, the Commission or Executive Director may refer the matter to another government agency or official if the Commission or Executive Director determines that the agency or official may more appropriately resolve the allegations in the complaint or enforce the applicable provisions of law. A copy of all information gathered by the Commission staff shall be sent to the agency or official together with the referral.

A determination by the Executive Director or the Commission that no further action should be taken on a matter shall not prevent any other government agency from initiating its own enforcement action, including disciplinary action, based on the same allegations and facts.

#### **I. Recordings and Transcripts.**

Every probable cause hearing and hearing on the merits shall be tape-recorded. Where the Commission assigns a Commissioner to conduct a probable cause hearing, and where the Commission assigns a Commissioner or hearing officer to conduct a hearing on the merits, the hearing shall also be recorded stenographically. The Commission shall retain the tapes until the opportunity for legal challenge has been exhausted. Copies of a tape shall be available to the respondent upon request.

#### **J. Place of Delivery.**

1. Whenever these Regulations require delivery to the Commission, its members, or the Executive Director, delivery shall be effected at the Commission office.

2. Whenever these regulations require delivery to a respondent or his or her committee, delivery shall be effective and sufficient if made by U.S. mail, personal delivery or any other means of delivery agreed upon by the parties under section II, subsection F, to:

a. If the respondent is a City employee, to the address listed with the (Controller/ Payroll) as the employee's current address.

b. If the respondent is a former City employee, to the address listed with the City's retirement system.

c. If the respondent is a current or former candidate or committee registered with the Ethics Commission, to the address provided to the Ethics Commission by that candidate or committee.

d. If subsections (a) through (c) are not applicable, to an address reasonably calculated to give notice to and reach the respondent.

It is the responsibility of City employees, or candidates or committees who file reports with the Ethics Commission, to maintain accurate addresses with relevant City Departments. The Executive Director therefore may rely on those addresses in carrying out the objectives of the Commission.

3. Delivery is effective upon the date of delivery, not the date of receipt.

**K. Page Limitations and Format Requirements.**

Whenever these Regulations impose a page limitation, a "page" means one side of an 8½ inch by 11 inch page, with margins of at least one inch at the left, right, top and bottom of the page, typewritten and double-spaced in no smaller than 12 point type. Each page and any attachments shall be consecutively numbered.

**L. Public Summary of Dismissed Complaints.**

Notwithstanding any other provision of these regulations, the Executive Director may provide a public summary of dismissed complaints. Such summary may include, but need not be limited to, a generic description of each dismissed complaint and a summary of the reasons for dismissal, provided that such information shall comply with the confidentiality requirements of the Charter.

**M. Conclusion of Hearing on the Merits.**

For the purposes of these Regulations, a hearing on the merits concludes on the last date on which the Commission hears argument or testimony in the proceeding.

**XIV. STIPULATED ORDERS**

A. At any time after the Commission takes jurisdiction over a complaint, the Executive Director may enter into negotiations with a respondent for the purpose of resolving the factual and legal allegations in a complaint by way of a stipulation, decision and order. Any proposed stipulation, decision and order shall explicitly state that:

- (1) the proposed stipulation, decision and order is subject to approval by the Commission;
- (2) the respondent knowingly and voluntarily waives any and all procedural rights under the law and these Regulations;
- (3) the respondent understands and acknowledges that the stipulation is not binding on any other law enforcement agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to the matter, or any other matter related to it;
- (4) the respondent agrees that in the event the Commission refuses to approve the proposed stipulation, it shall become null and void; and



(5) in the event the Commission rejects the proposed stipulation and a full evidentiary hearing before the Commission becomes necessary, no member of the Commission shall be disqualified because of prior consideration of the stipulation.

B. The stipulated order shall set forth the pertinent facts and may include an agreement as to anything that could be ordered by the Commission under its authority pursuant to Charter section C3.699-13.

C. Once the Executive Director enters into a stipulated agreement with a respondent, the Executive Director shall inform the Commission of this stipulation. Thereafter, any member of the Commission may cause the stipulation to be calendared for consideration by the full Commission in a closed session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the stipulated agreement. A Commissioners' request that a stipulated agreement be calendared for consideration by the full Commission must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements.

D. Stipulated orders must be approved by the Commission and, upon approval, must be announced publicly. The stipulated order shall have the full force of an order of the Commission.

#### XV. SEVERABILITY

If any provision of these Regulations, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Regulations and the applicability of such provisions to other persons and circumstances shall not be affected thereby.