

AMENDED IN SENATE MAY 15, 2013  
AMENDED IN SENATE APRIL 22, 2013  
AMENDED IN SENATE MARCH 14, 2013

**SENATE BILL**

**No. 3**

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**Introduced by Senators Yee and Lieu**  
(Coauthors: Assembly Members Pan and Ting)

December 3, 2012

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An act to amend Sections 84100, 84101, ~~84103, 84108~~, 84200.6, 84203, 84203.3, 84204, ~~84215~~, 84220, 84300, 84602, 84605, and 91013 of, to amend and renumber Sections 82036 and 82036.5 of, and to add Section 84620 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as amended, Yee. Political Reform Act of 1974.

(1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, as defined, and imposing other reporting and recordkeeping requirements on campaign committees, as defined. *The act requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop online and electronic filing processes for specified entities.* A violation of the act's provisions is punishable as a misdemeanor.

This bill would revise the terms "late contribution" and "late independent expenditure," as defined in the act, to "election-cycle contribution" and "election-cycle independent expenditure," respectively, and would make conforming changes.

The bill would also increase the fines and penalties imposed for campaign statements and reports that are filed late.

~~(2) The act requires each committee to file a statement of organization within 10 days of becoming a committee. The act also requires a committee to file an amended statement of organization whenever there is a change to the information contained in the statement of organization. The act requires certain committees to file the original statement with the Secretary of State and a copy to be filed with the local filing officer. The act requires the Secretary of State to forward a copy of the statement of organization to the county elections official, and for the county elections official to forward a copy to appropriate city clerks. The act requires the Secretary of State, in consultation with the Commission, to develop online and electronic filing processes for specified entities.~~

~~This bill would require that the statement and any amendments be filed with the Secretary of State by online or electronic means. The bill would reduce the time in which the statement of organization must be filed to 5 days. The bill would authorize a committee to satisfy the local filing requirement by online or electronic means if the local filing officer accepts filing by online or electronic means. This bill would specify that the Secretary of State and the county elections officials forward copies of the statement or organization by online or electronic means.~~

~~This bill would *declare the intent of the Legislature to develop a single, statewide electronic filing system that consolidates the filing of all campaign statements and reports.* This bill would also require the Secretary of State to develop a single, statewide electronic filing system that consolidates the filing of all state and local campaign statements and reports into one searchable database that meets specified criteria. The bill would require the Secretary of State to develop a feasibility study report for the electronic filing system by December 31, 2014, to develop a funding plan, to engage in fundraising, and to complete work on the electronic filing system by December 31, 2018 as specified.~~

~~(3)~~

~~(2) The act requires each committee to have a designated treasurer who is identified in the statement of organization. A committee may not make an expenditure without the authorization of the treasurer.~~

~~This bill would require a treasurer for a committee or committees that have made cumulative contributions or expenditures in excess of \$250,000 to complete an online certification course, designed and administered by the Commission, that addresses the statutes and regulations governing the financing of campaigns and the duties and~~

responsibilities of a treasurer within 20 business days after being designated as the treasurer, or within 20 business days of exceeding the \$250,000 threshold if the committees have not exceeded the threshold at the time the treasurer is designated. ~~The bill would require the treasurer to make certain verifications under penalty of perjury. By creating a new crime, this bill would impose a state-mandated local program.~~

~~(4) The act requires a committee to file certain special campaign statements, in addition to semi-annual and preelection campaign statements. The act requires certain officers to file these statements by online or electronic means and a copy in paper format with the Secretary of State.~~

~~This bill would repeal the requirement that a committee file a paper copy of a campaign statement in addition to the online or electronic filing.~~

~~(5) The act requires certain reports, such as late contribution and late independent expenditure reports, to be filed within 24 hours by facsimile transmission, guaranteed overnight delivery, or personal delivery.~~

~~This bill would additionally authorize certain reports that have a 24-hour filing deadline to be filed by online transmission.~~

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(3) *By expanding the scope of an existing crime, this bill would impose a state-mandated local program.*~~

~~*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*~~

~~*This bill would provide that no reimbursement is required by this act for a specified reason.*~~

~~(7)~~

~~(4) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 82036 of the Government Code is  
2 amended and renumbered to read:  
3 82022.5. “Election-cycle contribution” means any of the  
4 following:  
5 (a) A contribution, including a loan, that totals in the aggregate  
6 one thousand dollars (\$1,000) or more and is made to or received  
7 by a candidate, a controlled committee, or a committee formed or  
8 existing primarily to support or oppose a candidate or measure  
9 within 90 days before the date of the election at which the candidate  
10 or measure is to be voted on. For purposes of the Board of  
11 Administration of the Public Employees’ Retirement System and  
12 the Teachers’ Retirement Board, “the date of the election” is the  
13 deadline to return ballots.  
14 (b) A contribution, including a loan, that totals in the aggregate  
15 one thousand dollars (\$1,000) or more and is made to or received  
16 by a political party committee, as defined in Section 85205, within  
17 90 days before the date of a state election.  
18 SEC. 2. Section 82036.5 of the Government Code is amended  
19 and renumbered to read:  
20 82022.7. “Election-cycle independent expenditure” means an  
21 independent expenditure that totals in the aggregate one thousand  
22 dollars (\$1,000) or more and is made for or against a specific  
23 candidate or measure involved in an election within 90 days before  
24 the date of the election. For purposes of the Board of  
25 Administration of the Public Employees’ Retirement System and  
26 the Teachers’ Retirement Board, “the date of the election” is the  
27 deadline to return ballots.  
28 SEC. 3. Section 84100 of the Government Code is amended  
29 to read:  
30 84100. (a) Every committee shall have a treasurer. No  
31 expenditure shall be made by or on behalf of a committee without  
32 the authorization of the treasurer or that of his or her designated  
33 agents. No contribution or expenditure shall be accepted or made  
34 by or on behalf of a committee at a time when there is a vacancy  
35 in the office of treasurer.

1 (b) (1) Prior to being designated as a treasurer pursuant to  
2 Section 84102 or 84103, or not later than 20 business days after  
3 that designation, a treasurer who serves as a treasurer for one or  
4 more committees that have made cumulative contributions or  
5 expenditures in excess of two hundred fifty thousand dollars  
6 (\$250,000) shall complete an online certification course, designed  
7 and administered by the Commission, that addresses the statutes  
8 and regulations governing the financing of campaigns, and the  
9 duties and responsibilities of a treasurer, under this title. If the  
10 cumulative contributions or expenditures for a treasurer's  
11 committees are two hundred fifty thousand dollars (\$250,000) or  
12 less at the time the treasurer is designated as treasurer for a  
13 committee, that treasurer shall be required to complete the online  
14 certification course within 20 business days after the date upon  
15 which the contributions or expenditures of the committee or  
16 committees exceed two hundred fifty thousand dollars (\$250,000).  
17 The course shall require each applicant for certification to verify,  
18 under penalty of perjury, his or her identity by means of an  
19 identifier determined by the Commission.

20 (2) The Commission may charge each applicant for certification  
21 pursuant to this subdivision a fee not to exceed fifty dollars (\$50).  
22 The fee may be paid with, or reimbursed from, campaign funds,  
23 as defined in Section 89511.

24 ~~(3) Each treasurer shall verify, under penalty of perjury, on a~~  
25 ~~statement of organization required by Section 84101, or on an~~  
26 ~~amendment to a statement of organization required by Section~~  
27 ~~84103, that he or she has been certified pursuant to this subdivision.~~

28 ~~(4)~~

29 (3) A treasurer shall renew his or her certification pursuant to  
30 this subdivision every two years.

31 ~~(5)~~

32 (4) The Commission shall maintain on its Internet Web site a  
33 list of treasurers who are currently certified pursuant to this  
34 subdivision.

35 (5) *Prior to developing the online certification course, the*  
36 *Commission shall coordinate with one or more other state agencies*  
37 *or departments, including, but not limited to, the California*  
38 *Technology Agency, to identify any existing online training and*  
39 *certification courses that may be converted and utilized for the*  
40 *purposes of this section. The Commission shall complete*

1 *development of the online certification course no later than*  
2 *December 31, 2014.*

3 *(6) Treasurers shall be subject to the online certification course*  
4 *requirements imposed by this subdivision 30 days after the*  
5 *Commission has certified an online certification course, but in no*  
6 *event sooner than January 1, 2015.*

7 *(c) A treasurer who is required to complete the online*  
8 *certification course shall be fined no more than one thousand*  
9 *dollars (\$1,000) if he or she fails to complete that course, as*  
10 *required by subdivision (b). This penalty shall not be paid with,*  
11 *or reimbursed from, campaign funds.*

12 ~~SEC. 4. Section 84101 of the Government Code is amended~~  
13 ~~to read:~~

14 ~~84101. (a) A committee that is a committee by virtue of~~  
15 ~~subdivision (a) of Section 82013 shall file a statement of~~  
16 ~~organization. The committee shall file the statement of organization~~  
17 ~~by online or electronic means with the Secretary of State, pursuant~~  
18 ~~to Chapter 4.6 (commencing with Section 84600), and shall also~~  
19 ~~file a copy of the statement of organization with the local filing~~  
20 ~~officer, if any, with whom the committee is required to file the~~  
21 ~~originals of its campaign reports pursuant to Section 84215. A~~  
22 ~~committee may satisfy the local filing requirement by online or~~  
23 ~~electronic means if the local filing officer accepts filing by online~~  
24 ~~or electronic means. The statement of organization shall be filed~~  
25 ~~within five days after the committee has qualified as a committee.~~  
26 ~~The Secretary of State shall assign a number to each committee~~  
27 ~~that files a statement of organization and shall notify the committee~~  
28 ~~of the number. The Secretary of State shall send a copy of~~  
29 ~~statements filed pursuant to this section to the county elections~~  
30 ~~official of each county that he or she deems appropriate by online~~  
31 ~~or electronic means. A county elections official who receives a~~  
32 ~~copy of a statement of organization from the Secretary of State~~  
33 ~~pursuant to this section shall send a copy of the statement to the~~  
34 ~~clerk of each city in the county that he or she deems appropriate~~  
35 ~~by online or electronic means.~~

36 ~~(b) In addition to filing the statement of organization as required~~  
37 ~~by subdivision (a), if a committee qualifies as a committee under~~  
38 ~~subdivision (a) of Section 82013 before the date of an election in~~  
39 ~~connection with which the committee is required to file a~~  
40 ~~preelection statement, but after the closing date of the last campaign~~

1 ~~statement required to be filed before the election pursuant to~~  
2 ~~Section 84200.7, 84200.8, or 84200.9, the committee shall file, by~~  
3 ~~facsimile transmission, guaranteed overnight delivery, personal~~  
4 ~~delivery, or online transmission within 24 hours of qualifying as~~  
5 ~~a committee, the information required to be reported in the~~  
6 ~~statement of organization. The information required by this~~  
7 ~~subdivision shall be filed with the filing officer with whom the~~  
8 ~~committee is required to file the originals of its campaign reports~~  
9 ~~pursuant to Section 84215.~~

10 (e) ~~If an independent expenditure committee qualifies as a~~  
11 ~~committee pursuant to subdivision (a) of Section 82013 during the~~  
12 ~~time period described in Section 82022.7 and makes independent~~  
13 ~~expenditures of one thousand dollars (\$1,000) or more to support~~  
14 ~~or oppose a candidate or candidates for office, the committee shall~~  
15 ~~file, by facsimile transmission, online transmission, guaranteed~~  
16 ~~overnight delivery, or personal delivery within 24 hours of~~  
17 ~~qualifying as a committee, the information required to be reported~~  
18 ~~in the statement of organization. The information required by this~~  
19 ~~section shall be filed with the filing officer with whom the~~  
20 ~~committee is required to file the original of its campaign reports~~  
21 ~~pursuant to Section 84215, and shall be filed at all locations~~  
22 ~~required for the candidate or candidates supported or opposed by~~  
23 ~~the independent expenditures. The filings required by this section~~  
24 ~~are in addition to filings that may be required by Sections 84203.5~~  
25 ~~and 84204.~~

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

31 ~~SEC. 5. Section 84103 of the Government Code is amended~~  
32 ~~to read:~~

33 ~~84103. (a) Whenever there is a change in any of the~~  
34 ~~information contained in a statement of organization, an~~  
35 ~~amendment shall be filed within 10 days to reflect the change. The~~  
36 ~~committee shall file the amendment with the Secretary of State by~~  
37 ~~online or electronic means and shall also file a copy of the~~  
38 ~~amendment with the local filing officer, if any, with whom the~~  
39 ~~committee is required to file the originals of its campaign reports~~  
40 ~~pursuant to Section 84215.~~

1 ~~(b) In addition to filing an amendment to a statement of~~  
2 ~~organization as required by subdivision (a), a committee as defined~~  
3 ~~in subdivision (a) of Section 82013 shall, by facsimile transmission,~~  
4 ~~online transmission, guaranteed overnight delivery, or personal~~  
5 ~~delivery within 24 hours, notify the filing officer with whom it is~~  
6 ~~required to file its campaign reports pursuant to Section 84215~~  
7 ~~when the change requiring the amendment occurs before the date~~  
8 ~~of the election in connection with which the committee is required~~  
9 ~~to file a preelection statement, but after the closing date of the last~~  
10 ~~preelection statement required to be filed for the election pursuant~~  
11 ~~to Section 84200.7 or 84200.8, if any of the following information~~  
12 ~~is changed:~~

13 ~~(1) The name of the committee.~~

14 ~~(2) The name of the treasurer or other principal officers.~~

15 ~~(3) The name of any candidate or committee by which the~~  
16 ~~committee is controlled or with which it acts jointly.~~

17 ~~The notification shall include the changed information, the date~~  
18 ~~of the change, the name of the person providing the notification,~~  
19 ~~and the committee's name and identification number.~~

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

22 ~~SEC. 6. Section 84108 of the Government Code is amended~~  
23 ~~to read:~~

24 ~~84108. (a) Every slate mailer organization shall comply with~~  
25 ~~the requirements of Sections 84100, 84101, 84103, and 84104.~~

26 ~~(b) The statement of organization of a slate mailer organization~~  
27 ~~shall include:~~

28 ~~(1) The name, street address, and telephone number of the~~  
29 ~~organization. In the case of an individual or business entity that~~  
30 ~~qualifies as a slate mailer organization, the name of the slate mailer~~  
31 ~~organization shall include the name by which the individual or~~  
32 ~~entity is identified for legal purposes. Whenever identification of~~  
33 ~~a slate mailer organization is required by this title, the identification~~  
34 ~~shall include the full name of the slate mailer organization as~~  
35 ~~contained in its statement of organization.~~

36 ~~(2) The full name, street address, and telephone number of the~~  
37 ~~treasurer and other principal officers.~~

38 ~~(3) The full name, street address, and telephone number of each~~  
39 ~~person with final decisionmaking authority as to which candidates~~

1 or measures will be supported or opposed in the organization's  
2 slate mailers.

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

16 *SEC. 4. Section 84101 of the Government Code is amended to*  
17 *read:*

18 84101. (a) A committee that is a committee by virtue of  
19 subdivision (a) of Section 82013 shall file a statement of  
20 organization. The committee shall file the original of the statement  
21 of organization with the Secretary of State and shall also file a  
22 copy of the statement of organization with the local filing officer,  
23 if any, with whom the committee is required to file the originals  
24 of its campaign reports pursuant to Section 84215. The original  
25 and copy of the statement of organization shall be filed within 10  
26 days after the committee has qualified as a committee. The  
27 Secretary of State shall assign a number to each committee that  
28 files a statement of organization and shall notify the committee of  
29 the number. The Secretary of State shall send a copy of statements  
30 filed pursuant to this section to the county elections official of each  
31 county that he or she deems appropriate. A county elections official  
32 who receives a copy of a statement of organization from the  
33 Secretary of State pursuant to this section shall send a copy of the  
34 statement to the clerk of each city in the county that he or she  
35 deems appropriate.

36 (b) In addition to filing the statement of organization as required  
37 by subdivision (a), if a committee qualifies as a committee under  
38 subdivision (a) of Section 82013 before the date of an election in  
39 connection with which the committee is required to file preelection  
40 statements, but after the closing date of the last campaign statement

1 required to be filed before the election pursuant to Section 84200.7,  
2 84200.8, or 84200.9, the committee shall file, by facsimile  
3 transmission, guaranteed overnight delivery, or personal delivery  
4 within 24 hours of qualifying as a committee, the information  
5 required to be reported in the statement of organization. The  
6 information required by this subdivision shall be filed with the  
7 filing officer with whom the committee is required to file the  
8 originals of its campaign reports pursuant to Section 84215.

9 (c) If an independent expenditure committee qualifies as a  
10 committee pursuant to subdivision (a) of Section 82013 during the  
11 time period described in Section ~~82036.5~~ 82022.7 and makes  
12 independent expenditures of one thousand dollars (\$1,000) or more  
13 to support or oppose a candidate or candidates for office, the  
14 committee shall file, by facsimile transmission, online transmission,  
15 guaranteed overnight delivery, or personal delivery within 24 hours  
16 of qualifying as a committee, the information required to be  
17 reported in the statement of organization. The information required  
18 by this section shall be filed with the filing officer with whom the  
19 committee is required to file the original of its campaign reports  
20 pursuant to Section 84215, and shall be filed at all locations  
21 required for the candidate or candidates supported or opposed by  
22 the independent expenditures. The filings required by this section  
23 are in addition to filings that may be required by Sections 84203.5  
24 and 84204.

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

30 ~~SEC. 7.~~

31 *SEC. 5.* Section 84200.6 of the Government Code is amended  
32 to read:

33 84200.6. In addition to the campaign statements required by  
34 Sections 84200 and 84200.5, all candidates and committees shall  
35 file the following special statements and reports:

36 (a) Supplemental preelection statements when required by  
37 Section 84202.5.

38 (b) Election-cycle contribution reports when required by Section  
39 84203.

1 (c) Independent expenditure reports when required by Section  
2 84203.5.

3 (d) Election-cycle independent expenditure reports when  
4 required by Section 84204.

5 ~~SEC. 8.~~

6 *SEC. 6.* Section 84203 of the Government Code is amended  
7 to read:

8 84203. (a) Each candidate or committee that makes or receives  
9 an election-cycle contribution, as defined in Section 82022.5, shall  
10 report the election-cycle contribution to each office with which  
11 the candidate or committee is required to file its next campaign  
12 statement pursuant to Section 84215. The candidate or committee  
13 that makes the election-cycle contribution shall report his or her  
14 full name and street address and the full name and street address  
15 of the person to whom the election-cycle contribution has been  
16 made, the office sought if the recipient is a candidate, or the ballot  
17 measure number or letter if the recipient is a committee primarily  
18 formed to support or oppose a ballot measure, and the date and  
19 amount of the election-cycle contribution. The recipient of the  
20 election-cycle contribution shall report his or her full name and  
21 street address, the date and amount of the election-cycle  
22 contribution, and whether the contribution was made in the form  
23 of a loan. The recipient shall also report the full name of the  
24 contributor, his or her street address, occupation, and the name of  
25 his or her employer, or if self-employed, the name of the business.

26 (b) An election-cycle contribution shall be reported by facsimile  
27 transmission, guaranteed overnight delivery, ~~online transmission,~~  
28 or personal delivery within 24 hours of the time it is made in the  
29 case of the candidate or committee that makes the contribution  
30 and within 24 hours of the time it is received in the case of the  
31 recipient. If an election-cycle contribution is required to be reported  
32 to the Secretary of State, the report to the Secretary of State shall  
33 be by online or electronic transmission only. An election-cycle  
34 contribution shall be reported on subsequent campaign statements  
35 without regard to reports filed pursuant to this section.

36 (c) An election-cycle contribution need not be reported nor shall  
37 it be deemed accepted if it is not cashed, negotiated, or deposited  
38 and is returned to the contributor within 24 hours of its receipt.

39 (d) A report filed pursuant to this section shall be in addition to  
40 any other campaign statement required to be filed by this chapter.

1 (e) The report required pursuant to this section is not required  
2 to be filed by a candidate or committee that has disclosed the  
3 election-cycle contribution pursuant to subdivision (a) or (b) of  
4 Section 85309.

5 ~~SEC. 9.~~

6 *SEC. 7.* Section 84203.3 of the Government Code is amended  
7 to read:

8 84203.3. (a) Any candidate or committee that makes an  
9 election-cycle contribution that is a nonmonetary contribution shall  
10 notify the recipient in writing of the value of the nonmonetary  
11 contribution. The notice shall be received by the recipient within  
12 24 hours of the time the contribution is made.

13 (b) Nothing in this section shall relieve a candidate or committee  
14 that makes an election-cycle nonmonetary contribution or the  
15 recipient of an election-cycle nonmonetary contribution from the  
16 requirement to file election-cycle contribution reports pursuant to  
17 Section 84203. However, a report filed by the recipient of an  
18 election-cycle nonmonetary contribution shall be deemed timely  
19 filed if it is received by the filing officer within 48 hours of the  
20 time the contribution is received.

21 ~~SEC. 10.~~

22 *SEC. 8.* Section 84204 of the Government Code is amended  
23 to read:

24 84204. (a) A committee that makes an election-cycle  
25 independent expenditure, as defined in Section 82022.7, shall  
26 report the election-cycle independent expenditure by facsimile  
27 transmission, guaranteed overnight delivery, ~~online transmission,~~  
28 or personal delivery within 24 hours of the time it is made. If an  
29 election-cycle independent expenditure is required to be reported  
30 to the Secretary of State, the report to the Secretary of State shall  
31 be by online or electronic transmission only. An election-cycle  
32 independent expenditure shall be reported on subsequent campaign  
33 statements without regard to reports filed pursuant to this section.

34 (b) A committee that makes an election-cycle independent  
35 expenditure shall report its full name and street address, as well  
36 as the name, office, and district of the candidate if the report is  
37 related to a candidate, or if the report is related to a measure, the  
38 number or letter of the measure, the jurisdiction in which the  
39 measure is to be voted upon, and the amount and the date, as well  
40 as a description of goods or services for which the election-cycle

1 independent expenditure was made. In addition to the information  
2 required by this subdivision, a committee that makes an  
3 election-cycle independent expenditure shall include with its  
4 election-cycle independent expenditure report the information  
5 required by paragraphs (1) to (5), inclusive, of subdivision (f) of  
6 Section 84211, covering the period from the day after the closing  
7 date of the last campaign report filed to the date of the  
8 election-cycle independent expenditure, or if the committee has  
9 not previously filed a campaign statement, covering the period  
10 from the previous January 1 to the date of the election-cycle  
11 independent expenditure. No information required by paragraphs  
12 (1) to (5), inclusive, of subdivision (f) of Section 84211 that is  
13 required to be reported with an election-cycle independent  
14 expenditure report by this subdivision is required to be reported  
15 on more than one election-cycle independent expenditure report.

16 (c) A committee that makes an election-cycle independent  
17 expenditure shall file an election-cycle independent expenditure  
18 report in the places where it would be required to file campaign  
19 statements under this article as if it were formed or existing  
20 primarily to support or oppose the candidate or measure for or  
21 against which it is making the election-cycle independent  
22 expenditure.

23 (d) A report filed pursuant to this section shall be in addition to  
24 any other campaign statement required to be filed by this article.

25 (e) Expenditures that have been disclosed by candidates and  
26 committees pursuant to Section 85500 are not required to be  
27 disclosed pursuant to this section.

28 ~~SEC. 11. Section 84215 of the Government Code is amended~~  
29 ~~to read:~~

30 ~~84215. All candidates and elected officers and their controlled~~  
31 ~~committees, except as provided in subdivisions (d) and (e), shall~~  
32 ~~file one copy of the campaign statements required by Section 84200~~  
33 ~~with the elections official of the county in which the candidate or~~  
34 ~~elected official is domiciled, as defined in subdivision (b) of~~  
35 ~~Section 349 of the Elections Code. In addition, campaign~~  
36 ~~statements shall be filed at the following places:~~

37 ~~(a) Statewide elected officers, including members of the State~~  
38 ~~Board of Equalization; Members of the Legislature; Supreme Court~~  
39 ~~justices, court of appeal justices, and superior court judges;~~  
40 ~~candidates for those offices and their controlled committees;~~

1 committees formed or existing primarily to support or oppose these  
2 candidates, elected officers, justices and judges, or statewide  
3 measures, or the qualification of state ballot measures; and all state  
4 general purpose committees and filers not specified in subdivisions  
5 (b) to (e), inclusive, shall file a campaign statement by online or  
6 electronic means, as specified in Section 84605, with the Secretary  
7 of State.

8 (b) Elected officers in jurisdictions other than legislative  
9 districts, State Board of Equalization districts, or appellate court  
10 districts that contain parts of two or more counties, candidates for  
11 these offices, their controlled committees, and committees formed  
12 or existing primarily to support or oppose candidates or local  
13 measures to be voted upon in one of these jurisdictions shall file  
14 the original and one copy with the elections official of the county  
15 with the largest number of registered voters in the jurisdiction.

16 (c) County elected officers, candidates for these offices, their  
17 controlled committees, committees formed or existing primarily  
18 to support or oppose candidates or local measures to be voted upon  
19 in any number of jurisdictions within one county, other than those  
20 specified in subdivision (d), and county general purpose  
21 committees shall file the original and one copy with the elections  
22 official of the county.

23 (d) City elected officers, candidates for city office, their  
24 controlled committees, committees formed or existing primarily  
25 to support or oppose candidates or local measures to be voted upon  
26 in one city, and city general purpose committees shall file the  
27 original and one copy with the clerk of the city and are not required  
28 to file with the local elections official of the county in which they  
29 are domiciled.

30 (e) Elected members of the Board of Administration of the  
31 Public Employees' Retirement System, elected members of the  
32 Teachers' Retirement Board, candidates for these offices, their  
33 controlled committees, and committees formed or existing  
34 primarily to support or oppose these candidates or elected members  
35 shall file the original and one copy with the Secretary of State, and  
36 a copy shall be filed at the relevant board's office in Sacramento.  
37 These elected officers, candidates, and committees need not file  
38 with the elections official of the county in which they are  
39 domiciled.

1 ~~(f) Notwithstanding any other provision of this section, a~~  
2 ~~committee, candidate, or elected officer is not required to file more~~  
3 ~~than the original and one copy, or one copy, of a campaign~~  
4 ~~statement with any one county elections official or city clerk or~~  
5 ~~with the Secretary of State.~~

6 ~~(g) If a committee is required to file campaign statements~~  
7 ~~required by Section 84200 or 84200.5 in places designated in~~  
8 ~~subdivisions (a) to (d), inclusive, it shall continue to file these~~  
9 ~~statements in those places, in addition to any other places required~~  
10 ~~by this title, until the end of the calendar year.~~

11 ~~(h) If a jurisdiction authorizes the use of filing by online or~~  
12 ~~electronic means and a committee, candidate, or elected officer~~  
13 ~~files the campaign statement by online or electronic means, then~~  
14 ~~the committee, candidate, or elected officer shall not be required~~  
15 ~~to file an original or copy of a campaign statement in paper format,~~  
16 ~~unless otherwise required by statute or local ordinance.~~

17 ~~SEC. 12.~~

18 *SEC. 9.* Section 84220 of the Government Code is amended  
19 to read:

20 84220. If a slate mailer organization receives a payment of two  
21 thousand five hundred dollars (\$2,500) or more for purposes of  
22 supporting or opposing any candidate or ballot measure in a slate  
23 mailer, and the payment is received at a time when, if the payment  
24 were a contribution it would be considered an election-cycle  
25 contribution, then the slate mailer organization shall report the  
26 payment in the manner set forth in Section 84203 for candidates  
27 and committees when reporting election-cycle contributions  
28 received. The slate mailer organization shall, in addition to  
29 reporting the information required by Section 84203, identify the  
30 candidates or measures whose support or opposition is being paid  
31 for, in whole or in part, by each election-cycle payment.

32 ~~SEC. 13.~~

33 *SEC. 10.* Section 84300 of the Government Code is amended  
34 to read:

35 84300. (a) No contribution of one hundred dollars (\$100) or  
36 more shall be made or received in cash.

37 A cash contribution shall not be deemed received if it is not  
38 negotiated or deposited and is returned to the contributor before  
39 the closing date of the campaign statement on which the  
40 contribution would otherwise be reported. If a cash contribution,

1 other than an election-cycle contribution, as defined in Section  
2 82022.5, is negotiated or deposited, it shall not be deemed received  
3 if it is refunded within 72 hours of receipt. In the case of an  
4 election-cycle contribution, as defined in Section 82022.5, it shall  
5 not be deemed received if it is returned to the contributor within  
6 48 hours of receipt.

7 (b) No expenditure of one hundred dollars (\$100) or more shall  
8 be made in cash.

9 (c) No contribution of one hundred dollars (\$100) or more other  
10 than an in-kind contribution shall be made unless in the form of a  
11 written instrument containing the name of the donor and the name  
12 of the payee and drawn from the account of the donor or the  
13 intermediary, as defined in Section 84302.

14 (d) The value of all in-kind contributions of one hundred dollars  
15 (\$100) or more shall be reported in writing to the recipient upon  
16 the request in writing of the recipient.

17 ~~SEC. 14.~~

18 *SEC. 11.* Section 84602 of the Government Code is amended  
19 to read:

20 84602. To implement the Legislature's intent, the Secretary of  
21 State, in consultation with the Commission, notwithstanding any  
22 other provision of this code, shall do all of the following:

23 (a) Develop online and electronic filing processes for use by  
24 persons and entities specified in Section 84605 that are required  
25 to file statements and reports with the Secretary of State's office  
26 pursuant to Chapter 4 (commencing with Section 84100) and  
27 Chapter 6 (commencing with Section 86100). Those processes  
28 shall each enable a user to comply with all the disclosure  
29 requirements of this title and shall include, at a minimum, the  
30 following:

31 (1) A means or method whereby filers subject to this chapter  
32 may submit required filings free of charge. Any means or method  
33 developed pursuant to this provision shall not provide any  
34 additional or enhanced functions or services that exceed the  
35 minimum requirements necessary to fulfill the disclosure provisions  
36 of this title. At least one means or method shall be made available  
37 no later than December 31, 2002.

38 (2) The definition of a nonproprietary standardized record format  
39 or formats using industry standards for the transmission of the data  
40 that is required of those persons and entities specified in Section

1 84605 and that conforms with the disclosure requirements of this  
2 title. The Secretary of State shall hold public hearings prior to  
3 development of the record format or formats as a means to ensure  
4 that affected entities have an opportunity to provide input into the  
5 development process. The format or formats shall be made public  
6 no later than July 1, 1999, to ensure sufficient time to comply with  
7 this chapter.

8 (b) Accept test files from software vendors and others wishing  
9 to file reports electronically, for the purpose of determining whether  
10 the file format is in compliance with the standardized record format  
11 developed pursuant to subdivision (a) and is compatible with the  
12 Secretary of State's system for receiving the data. A list of the  
13 software and service providers who have submitted acceptable test  
14 files shall be published by the Secretary of State and made available  
15 to the public. Acceptably formatted files shall be submitted by a  
16 filer in order to meet the requirements of this chapter.

17 (c) Develop a system that provides for the online or electronic  
18 transfer of the data specified in this section utilizing  
19 telecommunications technology that ensures the integrity of the  
20 data transmitted and that creates safeguards against efforts to  
21 tamper with or subvert the data.

22 (d) Make all the data filed available on the Internet in an easily  
23 understood format that provides the greatest public access. The  
24 data shall be made available free of charge and as soon as possible  
25 after receipt. All election-cycle contribution and election-cycle  
26 independent expenditure reports, as defined by Sections 84203  
27 and 84204, respectively, shall be made available on the Internet  
28 within 24 hours of receipt. The data made available on the Internet  
29 shall not contain the street name and building number of the  
30 persons or entity representatives listed on the electronically filed  
31 forms or any bank account number required to be disclosed  
32 pursuant to this title.

33 (e) Develop a procedure for filers to comply with the  
34 requirement that they sign under penalty of perjury pursuant to  
35 Section 81004.

36 (f) Maintain all filed data online for 10 years after the date it is  
37 filed, and then archive the information in a secure format.

38 (g) Provide assistance to those seeking public access to the  
39 information.

1 (h) Implement sufficient technology to seek to prevent  
2 unauthorized alteration or manipulation of the data.

3 (i) Provide the Commission with necessary information to enable  
4 it to assist agencies, public officials, and others with the compliance  
5 with and administration of this title.

6 (j) Report to the Legislature on the implementation and  
7 development of the online and electronic filing and disclosure  
8 requirements of this chapter. The report shall include an  
9 examination of system security, private security issues, software  
10 availability, compliance costs to filers, use of the filing system and  
11 software provided by the Secretary of State, and other issues  
12 relating to this chapter, and shall recommend appropriate changes  
13 if necessary. In preparing the report, the Commission may present  
14 to the Secretary of State and the Legislature its comments regarding  
15 this chapter as it relates to the duties of the Commission and  
16 suggest appropriate changes if necessary. There shall be one report  
17 due before the system is operational as set forth in Section 84603,  
18 one report due no later than June 1, 2002, and one report due no  
19 later than January 31, 2003.

20 (k) Review the current filing and disclosure requirements of  
21 this chapter and report to the Legislature, no later than June 1,  
22 2005, recommendations on revising these requirements so as to  
23 promote greater reliance on electronic and online submissions.

24 ~~SEC. 15.~~

25 *SEC. 12.* Section 84605 of the Government Code is amended  
26 to read:

27 84605. (a) The following persons shall file online or  
28 electronically with the Secretary of State:

29 (1) Any candidate, including superior court, appellate court,  
30 and Supreme Court candidates and officeholders, committee, or  
31 other persons who are required, pursuant to Chapter 4 (commencing  
32 with Section 84100), to file statements, reports, or other documents  
33 in connection with a state elective office or state measure, provided  
34 that the total cumulative reportable amount of contributions  
35 received, expenditures made, loans made, or loans received is  
36 twenty-five thousand dollars (\$25,000) or more. In determining  
37 the cumulative reportable amount, all controlled committees, as  
38 defined by Section 82016, shall be included. For a committee  
39 subject to this title prior to January 1, 2000, the beginning date for  
40 calculating cumulative totals is January 1, 2000. For a committee

1 that is first subject to this title on or after January 1, 2000, the  
2 beginning date for calculating cumulative totals is the date the  
3 committee is first subject to this title. A committee, as defined in  
4 subdivision (c) of Section 82013, shall file online or electronically  
5 if it makes contributions of twenty-five thousand dollars (\$25,000)  
6 or more in a calendar year.

7 (2) Any general purpose committees, as defined in Section  
8 82027.5, including the general purpose committees of political  
9 parties, and small contributor committees, as defined in Section  
10 85203, that cumulatively receive contributions or make  
11 expenditures totaling twenty-five thousand dollars (\$25,000) or  
12 more to support or oppose candidates for any elective state office  
13 or state measure. For a committee subject to this title prior to  
14 January 1, 2000, the beginning date for calculating cumulative  
15 totals is January 1, 2000. For a committee that first is subject to  
16 this title on or after January 1, 2000, the beginning date for  
17 calculating cumulative totals is the date the committee is first  
18 subject to this title.

19 (3) Any slate mailer organization with cumulative reportable  
20 payments received or made for the purposes of producing slate  
21 mailers of twenty-five thousand dollars (\$25,000) or more. For a  
22 slate mailer organization subject to this title prior to January 1,  
23 2000, the beginning date for calculating cumulative totals is  
24 January 1, 2000. For a slate mailer organization that first is subject  
25 to this title on or after January 1, 2000, the beginning date for  
26 calculating cumulative totals is the date the organization is first  
27 subject to this title.

28 (4) Any lobbyist, lobbying firm, lobbyist employer, or other  
29 persons required, pursuant to Chapter 6 (commencing with Section  
30 86100), to file statements, reports, or other documents, provided  
31 that the total amount of any category of reportable payments,  
32 expenses, contributions, gifts, or other items is two thousand five  
33 hundred dollars (\$2,500) or more in a calendar quarter.

34 (b) The Secretary of State shall also disclose on the Internet any  
35 election-cycle contribution or election-cycle independent  
36 expenditure report, as defined by Sections 84203 and 84204,  
37 respectively, not covered by paragraph (1), (2), or (3) of subdivision  
38 (a) or any other provision of law.

39 (c) Committees and other persons that are not required to file  
40 online or electronically by this section may do so voluntarily.

1 (d) Once a person or entity is required to file online or  
2 electronically, subject to subdivision (a) or (c), the person or entity  
3 shall be required to file all subsequent reports online or  
4 electronically.

5 (e) It shall be presumed that online or electronic filers file under  
6 penalty of perjury.

7 (f) Persons filing online or electronically shall also continue to  
8 file required disclosure statements and reports in paper format.  
9 The paper copy shall continue to be the official filing for audit and  
10 other legal purposes until the Secretary of State, pursuant to Section  
11 84606, determines the system is operating securely and effectively.

12 (g) The Secretary of State shall maintain at all times a secured,  
13 official version of all original online and electronically filed  
14 statements and reports required by this chapter. Upon determination  
15 by the Secretary of State, pursuant to Section 84606, that the  
16 system is operating securely and effectively, this online or  
17 electronic version shall be the official version for audit and other  
18 legal purposes.

19 (h) Except for statements related to a local elective office or a  
20 local ballot measure filed by a candidate for local elective office  
21 who is also a candidate for elective state office, a copy of a  
22 statement, report, or other document filed by online or electronic  
23 means with the Secretary of State shall not be filed with a local  
24 filing officer.

25 ~~SEC. 16.~~

26 *SEC. 13.* Section 84620 is added to the Government Code, to  
27 read:

28 84620. (a) It is the intent of the Legislature to develop a single,  
29 statewide electronic filing system that consolidates the filing of  
30 all ~~state and local~~ campaign statements and reports required by  
31 this title into one searchable database that provides for, but is not  
32 limited to, all of the following:

33 (1) Electronic filing of committee organization statements.

34 (2) Electronic filing of campaign statements by all state  
35 committees, without regard to the amounts of contributions and  
36 expenditures.

37 (3) Electronic filing of reports by all major donors at the state  
38 ~~and local levels~~ *level* when specified thresholds are met.

39 ~~(4) A consolidated statewide network that includes a process to~~  
40 ~~import into the statewide database state-required committee~~

1 disclosures from each local jurisdiction that has its own electronic  
2 filing system:

3 ~~(5)~~

4 (4) A statewide, Internet Web-based database with expanded  
5 filing and public search capabilities that are data driven and  
6 user-friendly for all members of the public.

7 ~~(b) The Secretary of State shall develop the electronic filing  
8 system described in subdivision (a) as follows:~~

9 ~~(1)~~

10 (b) Not later than December 31, 2014, the Secretary of State  
11 shall develop a feasibility study report that will outline the  
12 technology requirements and the costs of the electronic filing  
13 system. The Secretary of State shall consult and coordinate with  
14 other state agencies that he or she deems appropriate, including,  
15 but not limited to, the Commission, with respect to data  
16 transitioning. *The report shall include an examination of the  
17 feasibility of establishing the statewide electronic filing system  
18 that permits state-required committee disclosure forms and reports  
19 to be imported into the statewide database, according to data  
20 standards established by the Secretary of State, from each local  
21 jurisdiction that has its own electronic filing system.*

22 ~~(2) The Secretary of State shall develop a funding plan that  
23 includes a comprehensive and detailed project budget that will be  
24 accurate through the duration of the project and will include  
25 appropriate and reasonable contingencies.~~

26 ~~(3) The Secretary of State shall engage in fundraising pursuant  
27 to the plan developed pursuant to paragraph (2).~~

28 ~~(4) Not later than December 31, 2018, the Secretary of State  
29 shall complete work on the development, construction, and launch  
30 of the electronic filing system described by this section.~~

31 ~~SEC. 17.~~

32 *SEC. 14.* Section 91013 of the Government Code is amended  
33 to read:

34 91013. (a) If a person files an original statement or report after  
35 the applicable deadline imposed by this title, he or she shall, in  
36 addition to any other penalties or remedies established by this title,  
37 be liable in the amount of thirty dollars (\$30) per day after the  
38 deadline until the statement or report is filed, to the officer with  
39 whom the statement or report is required to be filed. Liability need  
40 not be enforced by the filing officer if, on an impartial basis, he

1 or she determines that the late filing was not willful and that  
2 enforcement of the liability will not further the purposes of this  
3 title, except that no liability shall be waived if a statement or report  
4 is not filed within 30 days for a statement of economic interest,  
5 other than a candidate's statement filed pursuant to Section 87201,  
6 ~~5~~ five days for a campaign statement required to be filed 12 days  
7 before an election, and 10 days for all other statements or reports,  
8 after the filing officer has sent specific written notice of the filing  
9 requirement.

10 (b) If a person files a copy of a statement or report after the  
11 applicable deadline imposed by this title, he or she shall, in addition  
12 to any other penalties or remedies established by this title, be liable  
13 in the amount of thirty dollars (\$30) per day, starting 10 days, or  
14 ~~5~~ five days in the case of a campaign statement required to be filed  
15 12 days before an election, after the filing officer has sent specific  
16 written notice of the filing requirement and until the statement or  
17 report is filed.

18 (c) For purposes of this section, a campaign statement or report  
19 filed on behalf of a committee shall ~~not~~ be deemed filed *even* if  
20 the treasurer does not have a current certification pursuant to  
21 Section 84100.

22 (d) The filing officer shall deposit any funds received under this  
23 section into the general fund of the jurisdiction of which he or she  
24 is an officer. No liability under this section shall exceed 150 percent  
25 of the cumulative amount stated in the late statement or report, or  
26 one thousand dollars (\$1,000), whichever is greater.

27 ~~SEC. 18.~~

28 *SEC. 15.* No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.

37 ~~SEC. 19.~~

38 *SEC. 16.* The Legislature finds and declares that this bill  
39 furthers the purposes of the Political Reform Act of 1974 within

- 1 the meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

O