

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE MARCH 14, 2013

SENATE BILL

No. 3

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

December 3, 2012

An act to amend Sections 84100, 84101, 84200.6, 84203, 84203.3, 84204, 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.

This bill would declare the intent of the Legislature ~~to~~ *that the Secretary of State* develop a single, statewide electronic filing system that consolidates the filing of all campaign *committee* statements and reports *and all lobbyist, lobbying firm, and lobbyist employer reports*. This bill would also require the Secretary of State to develop a feasibility study report for the electronic filing system by December 31, 2014, as specified.

(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~~ *training* 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.~~

(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.

(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: $\frac{2}{3}$. 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:

1 82022.5. “Election-cycle contribution” means any of the
2 following:

3 (a) A contribution, including a loan, that totals in the aggregate
4 one thousand dollars (\$1,000) or more and is made to or received
5 by a candidate, a controlled committee, or a committee formed or
6 existing primarily to support or oppose a candidate or measure
7 within 90 days before the date of the election at which the candidate
8 or measure is to be voted on. For purposes of the Board of
9 Administration of the Public Employees’ Retirement System and
10 the Teachers’ Retirement Board, “the date of the election” is the
11 deadline to return ballots.

12 (b) A contribution, including a loan, that totals in the aggregate
13 one thousand dollars (\$1,000) or more and is made to or received
14 by a political party committee, as defined in Section 85205, within
15 90 days before the date of a state election.

16 SEC. 2. Section 82036.5 of the Government Code is amended
17 and renumbered to read:

18 82022.7. “Election-cycle independent expenditure” means an
19 independent expenditure that totals in the aggregate one thousand
20 dollars (\$1,000) or more and is made for or against a specific
21 candidate or measure involved in an election within 90 days before
22 the date of the election. For purposes of the Board of
23 Administration of the Public Employees’ Retirement System and
24 the Teachers’ Retirement Board, “the date of the election” is the
25 deadline to return ballots.

26 SEC. 3. Section 84100 of the Government Code is amended
27 to read:

28 84100. (a) Every committee shall have a treasurer. No
29 expenditure shall be made by or on behalf of a committee without
30 the authorization of the treasurer or that of his or her designated
31 agents. No contribution or expenditure shall be accepted or made
32 by or on behalf of a committee at a time when there is a vacancy
33 in the office of treasurer.

34 (b) (1) Prior to being designated as a treasurer pursuant to
35 Section 84102 or 84103, or not later than 20 business days after
36 that designation, a treasurer ~~who serves as a treasurer for one or~~
37 ~~more committees that have made cumulative contributions or~~
38 ~~expenditures in excess of two hundred fifty thousand dollars~~
39 ~~(\$250,000)~~ shall complete an online ~~certification~~ *training* course,
40 designed and administered by the Commission, that addresses the

1 statutes and regulations governing the financing of campaigns,
2 and the duties and responsibilities of a treasurer, under this title.
3 ~~If the cumulative contributions or expenditures for a treasurer's~~
4 ~~committees are two hundred fifty thousand dollars (\$250,000) or~~
5 ~~less at the time the treasurer is designated as treasurer for a~~
6 ~~committee, that treasurer shall be required to complete the online~~
7 ~~certification course within 20 business days after the date upon~~
8 ~~which the contributions or expenditures of the committee or~~
9 ~~committees exceed two hundred fifty thousand dollars~~
10 ~~(\$250,000). The course shall require each applicant for certification~~
11 ~~training to verify, under penalty of perjury, his or her identity by~~
12 ~~means of an identifier determined by the Commission.~~

13 (2) The Commission may charge each applicant for ~~certification~~
14 ~~training~~ pursuant to this subdivision a fee not to exceed fifty
15 dollars (\$50). ~~The fee may be paid with, or reimbursed from,~~
16 ~~campaign funds, as defined in Section 89511.~~

17 (3) A treasurer shall ~~renew his or her certification~~ *participate*
18 *in training* pursuant to this subdivision every two years.

19 (4) The Commission shall maintain on its Internet Web site a
20 list of treasurers who ~~are currently certified~~ *have completed training*
21 pursuant to this subdivision.

22 (5) Prior to developing the online ~~certification~~ *training* course,
23 the Commission shall coordinate with one or more other state
24 agencies or departments, including, but not limited to, the
25 ~~California Technology Agency~~ *Department of Technology*, to
26 identify any existing online training and certification courses that
27 may be converted and utilized for the purposes of this section. The
28 Commission shall complete development of the online ~~certification~~
29 *training* course no later than December 31, 2014.

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

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

39 SEC. 4. Section 84101 of the Government Code is amended
40 to read:

1 84101. (a) A committee that is a committee by virtue of
2 subdivision (a) of Section 82013 shall file a statement of
3 organization. The committee shall file the original of the statement
4 of organization with the Secretary of State and shall also file a
5 copy of the statement of organization with the local filing officer,
6 if any, with whom the committee is required to file the originals
7 of its campaign reports pursuant to Section 84215. The original
8 and copy of the statement of organization shall be filed within 10
9 days after the committee has qualified as a committee. The
10 Secretary of State shall assign a number to each committee that
11 files a statement of organization and shall notify the committee of
12 the number. The Secretary of State shall send a copy of statements
13 filed pursuant to this section to the county elections official of each
14 county that he or she deems appropriate. A county elections official
15 who receives a copy of a statement of organization from the
16 Secretary of State pursuant to this section shall send a copy of the
17 statement to the clerk of each city in the county that he or she
18 deems appropriate.

19 (b) In addition to filing the statement of organization as required
20 by subdivision (a), if a committee qualifies as a committee under
21 subdivision (a) of Section 82013 before the date of an election in
22 connection with which the committee is required to file preelection
23 statements, but after the closing date of the last campaign statement
24 required to be filed before the election pursuant to Section 84200.7,
25 84200.8, or 84200.9, the committee shall file, by facsimile
26 transmission, guaranteed overnight delivery, or personal delivery
27 within 24 hours of qualifying as a committee, the information
28 required to be reported in the statement of organization. The
29 information required by this subdivision shall be filed with the
30 filing officer with whom the committee is required to file the
31 originals of its campaign reports pursuant to Section 84215.

32 (c) If an independent expenditure committee qualifies as a
33 committee pursuant to subdivision (a) of Section 82013 during the
34 time period described in Section 82022.7 and makes independent
35 expenditures of one thousand dollars (\$1,000) or more to support
36 or oppose a candidate or candidates for office, the committee shall
37 file, by facsimile transmission, online transmission, guaranteed
38 overnight delivery, or personal delivery within 24 hours of
39 qualifying as a committee, the information required to be reported
40 in the statement of organization. The information required by this

1 section shall be filed with the filing officer with whom the
2 committee is required to file the original of its campaign reports
3 pursuant to Section 84215, and shall be filed at all locations
4 required for the candidate or candidates supported or opposed by
5 the independent expenditures. The filings required by this section
6 are in addition to filings that may be required by Sections 84203.5
7 and 84204.

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

13 SEC. 5. Section 84200.6 of the Government Code is amended
14 to read:

15 84200.6. In addition to the campaign statements required by
16 Sections 84200 and 84200.5, all candidates and committees shall
17 file the following special statements and reports:

18 (a) Supplemental preelection statements when required by
19 Section 84202.5.

20 (b) Election-cycle contribution reports when required by Section
21 84203.

22 (c) Independent expenditure reports when required by Section
23 84203.5.

24 (d) Election-cycle independent expenditure reports when
25 required by Section 84204.

26 SEC. 6. Section 84203 of the Government Code is amended
27 to read:

28 84203. (a) Each candidate or committee that makes or receives
29 an election-cycle contribution, as defined in Section 82022.5, shall
30 report the election-cycle contribution to each office with which
31 the candidate or committee is required to file its next campaign
32 statement pursuant to Section 84215. The candidate or committee
33 that makes the election-cycle contribution shall report his or her
34 full name and street address and the full name and street address
35 of the person to whom the election-cycle contribution has been
36 made, the office sought if the recipient is a candidate, or the ballot
37 measure number or letter if the recipient is a committee primarily
38 formed to support or oppose a ballot measure, and the date and
39 amount of the election-cycle contribution. The recipient of the
40 election-cycle contribution shall report his or her full name and

1 street address, the date and amount of the election-cycle
2 contribution, and whether the contribution was made in the form
3 of a loan. The recipient shall also report the full name of the
4 contributor, his or her street address, occupation, and the name of
5 his or her employer, or if self-employed, the name of the business.

6 (b) An election-cycle contribution shall be reported by facsimile
7 transmission, guaranteed overnight delivery, or personal delivery
8 within 24 hours of the time it is made in the case of the candidate
9 or committee that makes the contribution and within 24 hours of
10 the time it is received in the case of the recipient. If an
11 election-cycle contribution is required to be reported to the
12 Secretary of State, the report to the Secretary of State shall be by
13 online or electronic transmission only. An election-cycle
14 contribution shall be reported on subsequent campaign statements
15 without regard to reports filed pursuant to this section.

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

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

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

25 SEC. 7. Section 84203.3 of the Government Code is amended
26 to read:

27 84203.3. (a) Any candidate or committee that makes an
28 election-cycle contribution that is a nonmonetary contribution shall
29 notify the recipient in writing of the value of the nonmonetary
30 contribution. The notice shall be received by the recipient within
31 24 hours of the time the contribution is made.

32 (b) Nothing in this section shall relieve a candidate or committee
33 that makes an election-cycle nonmonetary contribution or the
34 recipient of an election-cycle nonmonetary contribution from the
35 requirement to file election-cycle contribution reports pursuant to
36 Section 84203. However, a report filed by the recipient of an
37 election-cycle nonmonetary contribution shall be deemed timely
38 filed if it is received by the filing officer within 48 hours of the
39 time the contribution is received.

1 SEC. 8. Section 84204 of the Government Code is amended
2 to read:

3 84204. (a) A committee that makes an election-cycle
4 independent expenditure, as defined in Section 82022.7, shall
5 report the election-cycle independent expenditure by facsimile
6 transmission, guaranteed overnight delivery, or personal delivery
7 within 24 hours of the time it is made. If an election-cycle
8 independent expenditure is required to be reported to the Secretary
9 of State, the report to the Secretary of State shall be by online or
10 electronic transmission only. An election-cycle independent
11 expenditure shall be reported on subsequent campaign statements
12 without regard to reports filed pursuant to this section.

13 (b) A committee that makes an election-cycle independent
14 expenditure shall report its full name and street address, as well
15 as the name, office, and district of the candidate if the report is
16 related to a candidate, or if the report is related to a measure, the
17 number or letter of the measure, the jurisdiction in which the
18 measure is to be voted upon, and the amount and the date, as well
19 as a description of goods or services for which the election-cycle
20 independent expenditure was made. In addition to the information
21 required by this subdivision, a committee that makes an
22 election-cycle independent expenditure shall include with its
23 election-cycle independent expenditure report the information
24 required by paragraphs (1) to (5), inclusive, of subdivision (f) of
25 Section 84211, covering the period from the day after the closing
26 date of the last campaign report filed to the date of the
27 election-cycle independent expenditure, or if the committee has
28 not previously filed a campaign statement, covering the period
29 from the previous January 1 to the date of the election-cycle
30 independent expenditure. No information required by paragraphs
31 (1) to (5), inclusive, of subdivision (f) of Section 84211 that is
32 required to be reported with an election-cycle independent
33 expenditure report by this subdivision is required to be reported
34 on more than one election-cycle independent expenditure report.

35 (c) A committee that makes an election-cycle independent
36 expenditure shall file an election-cycle independent expenditure
37 report in the places where it would be required to file campaign
38 statements under this article as if it were formed or existing
39 primarily to support or oppose the candidate or measure for or

1 against which it is making the election-cycle independent
2 expenditure.

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

5 (e) Expenditures that have been disclosed by candidates and
6 committees pursuant to Section 85500 are not required to be
7 disclosed pursuant to this section.

8 SEC. 9. Section 84220 of the Government Code is amended
9 to read:

10 84220. If a slate mailer organization receives a payment of two
11 thousand five hundred dollars (\$2,500) or more for purposes of
12 supporting or opposing any candidate or ballot measure in a slate
13 mailer, and the payment is received at a time when, if the payment
14 were a contribution it would be considered an election-cycle
15 contribution, then the slate mailer organization shall report the
16 payment in the manner set forth in Section 84203 for candidates
17 and committees when reporting election-cycle contributions
18 received. The slate mailer organization shall, in addition to
19 reporting the information required by Section 84203, identify the
20 candidates or measures whose support or opposition is being paid
21 for, in whole or in part, by each election-cycle payment.

22 SEC. 10. Section 84300 of the Government Code is amended
23 to read:

24 84300. (a) No contribution of one hundred dollars (\$100) or
25 more shall be made or received in cash.

26 A cash contribution shall not be deemed received if it is not
27 negotiated or deposited and is returned to the contributor before
28 the closing date of the campaign statement on which the
29 contribution would otherwise be reported. If a cash contribution,
30 other than an election-cycle contribution, as defined in Section
31 82022.5, is negotiated or deposited, it shall not be deemed received
32 if it is refunded within 72 hours of receipt. In the case of an
33 election-cycle contribution, as defined in Section 82022.5, it shall
34 not be deemed received if it is returned to the contributor within
35 48 hours of receipt.

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

38 (c) No contribution of one hundred dollars (\$100) or more other
39 than an in-kind contribution shall be made unless in the form of a
40 written instrument containing the name of the donor and the name

1 of the payee and drawn from the account of the donor or the
2 intermediary, as defined in Section 84302.

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

6 SEC. 11. Section 84602 of the Government Code is amended
7 to read:

8 84602. To implement the Legislature’s intent, the Secretary of
9 State, in consultation with the Commission, notwithstanding any
10 other provision of this code, shall do all of the following:

11 (a) Develop online and electronic filing processes for use by
12 persons and entities specified in Section 84605 that are required
13 to file statements and reports with the Secretary of State’s office
14 pursuant to Chapter 4 (commencing with Section 84100) and
15 Chapter 6 (commencing with Section 86100). Those processes
16 shall each enable a user to comply with all the disclosure
17 requirements of this title and shall include, at a minimum, the
18 following:

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

26 (2) The definition of a nonproprietary standardized record format
27 or formats using industry standards for the transmission of the data
28 that is required of those persons and entities specified in Section
29 84605 and that conforms with the disclosure requirements of this
30 title. The Secretary of State shall hold public hearings prior to
31 development of the record format or formats as a means to ensure
32 that affected entities have an opportunity to provide input into the
33 development process. The format or formats shall be made public
34 no later than July 1, 1999, to ensure sufficient time to comply with
35 this chapter.

36 (b) Accept test files from software vendors and others wishing
37 to file reports electronically, for the purpose of determining whether
38 the file format is in compliance with the standardized record format
39 developed pursuant to subdivision (a) and is compatible with the
40 Secretary of State’s system for receiving the data. A list of the

1 software and service providers who have submitted acceptable test
2 files shall be published by the Secretary of State and made available
3 to the public. Acceptably formatted files shall be submitted by a
4 filer in order to meet the requirements of this chapter.

5 (c) Develop a system that provides for the online or electronic
6 transfer of the data specified in this section utilizing
7 telecommunications technology that ensures the integrity of the
8 data transmitted and that creates safeguards against efforts to
9 tamper with or subvert the data.

10 (d) Make all the data filed available on the Internet in an easily
11 understood format that provides the greatest public access. The
12 data shall be made available free of charge and as soon as possible
13 after receipt. All election-cycle contribution and election-cycle
14 independent expenditure reports, as defined by Sections 84203
15 and 84204, respectively, shall be made available on the Internet
16 within 24 hours of receipt. The data made available on the Internet
17 shall not contain the street name and building number of the
18 persons or entity representatives listed on the electronically filed
19 forms or any bank account number required to be disclosed
20 pursuant to this title.

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

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

26 (g) Provide assistance to those seeking public access to the
27 information.

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

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

33 (j) Report to the Legislature on the implementation and
34 development of the online and electronic filing and disclosure
35 requirements of this chapter. The report shall include an
36 examination of system security, private security issues, software
37 availability, compliance costs to filers, use of the filing system and
38 software provided by the Secretary of State, and other issues
39 relating to this chapter, and shall recommend appropriate changes
40 if necessary. In preparing the report, the Commission may present

1 to the Secretary of State and the Legislature its comments regarding
 2 this chapter as it relates to the duties of the Commission and
 3 suggest appropriate changes if necessary. There shall be one report
 4 due before the system is operational as set forth in Section 84603,
 5 one report due no later than June 1, 2002, and one report due no
 6 later than January 31, 2003.

7 (k) Review the current filing and disclosure requirements of
 8 this chapter and report to the Legislature, no later than June 1,
 9 2005, recommendations on revising these requirements so as to
 10 promote greater reliance on electronic and online submissions.

11 SEC. 12. Section 84605 of the Government Code is amended
 12 to read:

13 84605. (a) The following persons shall file online or
 14 electronically with the Secretary of State:

15 (1) Any candidate, including superior court, appellate court,
 16 and Supreme Court candidates and officeholders, committee, or
 17 other persons who are required, pursuant to Chapter 4 (commencing
 18 with Section 84100), to file statements, reports, or other documents
 19 in connection with a state elective office or state measure, provided
 20 that the total cumulative reportable amount of contributions
 21 received, expenditures made, loans made, or loans received is
 22 twenty-five thousand dollars (\$25,000) or more. In determining
 23 the cumulative reportable amount, all controlled committees, as
 24 defined by Section 82016, shall be included. For a committee
 25 subject to this title prior to January 1, 2000, the beginning date for
 26 calculating cumulative totals is January 1, 2000. For a committee
 27 that is first subject to this title on or after January 1, 2000, the
 28 beginning date for calculating cumulative totals is the date the
 29 committee is first subject to this title. A committee, as defined in
 30 subdivision (c) of Section 82013, shall file online or electronically
 31 if it makes contributions of twenty-five thousand dollars (\$25,000)
 32 or more in a calendar year.

33 (2) Any general purpose committees, as defined in Section
 34 82027.5, including the general purpose committees of political
 35 parties, and small contributor committees, as defined in Section
 36 85203, that cumulatively receive contributions or make
 37 expenditures totaling twenty-five thousand dollars (\$25,000) or
 38 more to support or oppose candidates for any elective state office
 39 or state measure. For a committee subject to this title prior to
 40 January 1, 2000, the beginning date for calculating cumulative

1 totals is January 1, 2000. For a committee that first is subject to
2 this title on or after January 1, 2000, the beginning date for
3 calculating cumulative totals is the date the committee is first
4 subject to this title.

5 (3) Any slate mailer organization with cumulative reportable
6 payments received or made for the purposes of producing slate
7 mailers of twenty-five thousand dollars (\$25,000) or more. For a
8 slate mailer organization subject to this title prior to January 1,
9 2000, the beginning date for calculating cumulative totals is
10 January 1, 2000. For a slate mailer organization that first is subject
11 to this title on or after January 1, 2000, the beginning date for
12 calculating cumulative totals is the date the organization is first
13 subject to this title.

14 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
15 persons required, pursuant to Chapter 6 (commencing with Section
16 86100), to file statements, reports, or other documents, provided
17 that the total amount of any category of reportable payments,
18 expenses, contributions, gifts, or other items is two thousand five
19 hundred dollars (\$2,500) or more in a calendar quarter.

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

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

27 (d) Once a person or entity is required to file online or
28 electronically, subject to subdivision (a) or (c), the person or entity
29 shall be required to file all subsequent reports online or
30 electronically.

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

33 (f) Persons filing online or electronically shall also continue to
34 file required disclosure statements and reports in paper format.
35 The paper copy shall continue to be the official filing for audit and
36 other legal purposes until the Secretary of State, pursuant to Section
37 84606, determines the system is operating securely and effectively.

38 (g) The Secretary of State shall maintain at all times a secured,
39 official version of all original online and electronically filed
40 statements and reports required by this chapter. Upon determination

1 by the Secretary of State, pursuant to Section 84606, that the
2 system is operating securely and effectively, this online or
3 electronic version shall be the official version for audit and other
4 legal purposes.

5 (h) Except for statements related to a local elective office or a
6 local ballot measure filed by a candidate for local elective office
7 who is also a candidate for elective state office, a copy of a
8 statement, report, or other document filed by online or electronic
9 means with the Secretary of State shall not be filed with a local
10 filing officer.

11 SEC. 13. Section 84620 is added to the Government Code, to
12 read:

13 84620. (a) It is the intent of the Legislature ~~to that the~~
14 ~~Secretary of State develop a single, statewide electronic filing~~
15 ~~system that consolidates the filing of all campaign statements and~~
16 ~~reports required by this title into one searchable database that~~
17 ~~provides for, but is not limited to, provides for~~ all of the following:

18 (1) Electronic filing of committee organization statements.

19 (2) *Electronic filing of lobbyist, lobbying firm, and lobbyist*
20 *employer registrations.*

21 ~~(2)~~

22 (3) Electronic filing of campaign statements by all state
23 committees, without regard to the amounts of contributions and
24 expenditures.

25 (4) *Electronic filing of periodic reports filed by lobbyists,*
26 *lobbying firms, and lobbyist employers.*

27 ~~(3)~~

28 (5) Electronic filing of reports by all major donors at the state
29 level when specified thresholds are met.

30 ~~(4)~~

31 (6) A statewide, ~~Internet Web-based database with expanded~~
32 ~~filing and public Internet-accessible system that provides for search~~
33 ~~capabilities that are data driven and user-friendly for all members~~
34 ~~of the public.~~

35 (7) *A system that provides for lobbying and committee data to*
36 *be made regularly available to the public in raw, machine-readable*
37 *data format.*

38 (b) Not later than December 31, 2014, the Secretary of State
39 shall develop a feasibility study report that will outline the
40 technology requirements and the costs of the electronic filing

1 system. The Secretary of State shall consult and coordinate with
2 other state agencies that he or she deems appropriate, including,
3 but not limited to, the Commission, with respect to data
4 transitioning. The report shall include an examination of the
5 feasibility of establishing ~~the~~ a statewide electronic filing system
6 that permits state-required committee disclosure forms and reports
7 to be imported into the statewide database, according to data
8 standards established by the Secretary of State, from each local
9 jurisdiction that has its own electronic filing system.

10 SEC. 14. Section 91013 of the Government Code is amended
11 to read:

12 91013. (a) If a person files an original statement or report after
13 the applicable deadline imposed by this title, he or she shall, in
14 addition to any other penalties or remedies established by this title,
15 be liable in the amount of thirty dollars (\$30) per day after the
16 deadline until the statement or report is filed, to the officer with
17 whom the statement or report is required to be filed. Liability need
18 not be enforced by the filing officer if, on an impartial basis, he
19 or she determines that the late filing was not willful and that
20 enforcement of the liability will not further the purposes of this
21 title, except that no liability shall be waived if a statement or report
22 is not filed within 30 days for a statement of economic interest,
23 other than a candidate's statement filed pursuant to Section 87201,
24 5 days for a campaign statement required to be filed 12 days before
25 an election, and 10 days for all other statements or reports, after
26 the filing officer has sent specific written notice of the filing
27 requirement.

28 (b) If a person files a copy of a statement or report after the
29 applicable deadline imposed by this title, he or she shall, in addition
30 to any other penalties or remedies established by this title, be liable
31 in the amount of thirty dollars (\$30) per day, starting 10 days, or
32 5 days in the case of a campaign statement required to be filed 12
33 days before an election, after the filing officer has sent specific
34 written notice of the filing requirement and until the statement or
35 report is filed.

36 (c) For purposes of this section, a campaign statement or report
37 filed on behalf of a committee shall be deemed filed even if the
38 treasurer does not have a current certification pursuant to Section
39 84100.

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

6 (2) *Notwithstanding paragraph (1), if the Secretary of State is*
7 *the filing officer, he or she shall deposit one-third of any funds*
8 *received under this section into the Political Disclosure,*
9 *Accountability, Transparency, and Access Fund, and deposit the*
10 *remainder of those funds into the General Fund.*

11 (3) *Liability under this section shall not exceed 150 percent of*
12 *the cumulative amount stated in the late statement or report, or*
13 *one thousand dollars (\$1,000), whichever is greater.*

14 SEC. 15. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 SEC. 16. The Legislature finds and declares that this bill
24 furthers the purposes of the Political Reform Act of 1974 within
25 the meaning of subdivision (a) of Section 81012 of the Government
26 Code.