

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 15, 2014

SENATE BILL

No. 1103

Introduced by Senator Padilla

February 19, 2014

An act to ~~amend Sections 85200 and 85201 of~~ *add Section 85201.5* to the Government Code, relating to the Political Reform Act of 1974, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1103, as amended, Padilla. Political Reform Act of 1974: candidacy for elective state office.

The Political Reform Act of 1974 requires an individual to file a statement of intention to be a candidate for an elective office, signed under penalty of perjury, prior to soliciting or receiving a contribution or loan. The act requires the individual to establish one campaign contribution account, as specified, upon filing the statement of intention to be a candidate.

~~This bill would provide that, if an individual files a statement of intention to be a candidate for elective state office, the filing of a subsequent statement of intention to be a candidate for a different elective state office that is to be voted upon at the same election would effect a revocation of the prior statement of intention to be a candidate, and the individual would thereafter be prohibited from soliciting or receiving a contribution or loan for the elective state office for which he or she previously filed a statement of intention to be a candidate. The bill would prohibit an individual from filing, and the Secretary of State from accepting, a statement of intention to be a candidate for an Assembly, Senate, or constitutional office at an election other than the~~

next election or next 2 elections at which that office will appear on the ballot, as specified.

This bill would prohibit an elected state officer or candidate for elective state office who has filed a statement of intention to be a candidate for more than one elective state office pursuant to Section 85200 from having more than 2 campaign contribution accounts open simultaneously for purposes of receiving contributions in connection with those elective state offices.

A violation of the act’s provisions is punishable as a misdemeanor. 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.

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 2/3 vote of each house and compliance with specified procedural requirements.

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

This bill would declare that it is to take effect immediately as an urgency statute.

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 85200 of the Government Code is~~
 2 ~~amended to read:~~
 3 ~~85200. (a) Prior to the solicitation or receipt of a contribution~~
 4 ~~or loan, an individual who intends to be a candidate for an elective~~
 5 ~~state office, as that term is defined by Section 82024, shall file~~
 6 ~~with the Secretary of State an original statement, signed under~~
 7 ~~penalty of perjury, of intention to be a candidate for a specific~~
 8 ~~office.~~
 9 ~~(1) If an individual has previously filed a statement of intention~~
 10 ~~to be a candidate for an elective state office, the subsequent filing~~
 11 ~~of a statement of intention to be a candidate for a different elective~~
 12 ~~state office to be voted upon at the same election shall constitute~~

1 a revocation of the previously filed statement of intention to be a
2 candidate, and the individual shall not thereafter solicit or receive
3 a contribution or loan for the elective state office for which he or
4 she previously filed a statement of intention to be a candidate.

5 (2) An individual shall not file, and the Secretary of State shall
6 not accept, either of the following:

7 (A) A statement of intention to be a candidate for the office of
8 Member of the Assembly at an election other than the next two
9 elections at which that office will appear on the ballot.

10 (B) A statement of intention to be a candidate for an elective
11 state office other than the office of Member of the Assembly at an
12 election other than the next election at which that elective state
13 office will appear on the ballot.

14 (b) An individual who intends to be a candidate for any other
15 elective office shall file the statement of intention to be a candidate
16 with the same filing officer and in the same location as the
17 individual would file an original campaign statement pursuant to
18 subdivisions (b), (c), and (d) of Section 84215.

19 (e) For purposes of this section, “contribution” and “loan” do
20 not include any payments from the candidate’s personal funds for
21 a candidate filing fee or a candidate statement of qualifications
22 fee.

23 SEC. 2. Section 85201 of the Government Code is amended
24 to read:

25 85201. (a) Upon filing a statement of intention to be a
26 candidate pursuant to Section 85200, an individual shall establish
27 one campaign contribution account at an office of a financial
28 institution located in the state. If an individual has established
29 campaign contribution accounts for multiple elective state offices,
30 the individual shall deposit contributions only into the campaign
31 contribution account associated with the most recently filed
32 statement of intention to be a candidate.

33 (b) As required by subdivision (f) of Section 84102, a candidate
34 who raises contributions of one thousand dollars (\$1,000) or more
35 in a calendar year shall set forth the name and address of the
36 financial institution where the candidate has established a campaign
37 contribution account and the account number on the committee
38 statement of organization filed pursuant to Sections 84101 and
39 84103.

1 ~~(e) All contributions or loans made to the candidate, to a person~~
2 ~~on behalf of the candidate, or to the candidate's controlled~~
3 ~~committee shall be deposited in the account.~~

4 ~~(d) Any personal funds that will be utilized to promote the~~
5 ~~election of the candidate shall be deposited in the account prior to~~
6 ~~expenditure.~~

7 ~~(e) All campaign expenditures shall be made from the account.~~

8 ~~(f) Subdivisions (d) and (e) do not apply to a candidate's~~
9 ~~payment for a filing fee and statement of qualifications from his~~
10 ~~or her personal funds.~~

11 ~~(g) This section does not apply to a candidate who will not~~
12 ~~receive contributions and who makes expenditures from personal~~
13 ~~funds of less than one thousand dollars (\$1,000) in a calendar year~~
14 ~~to support his or her candidacy. For purposes of this section, a~~
15 ~~candidate's payment for a filing fee and statement of qualifications~~
16 ~~shall not be included in calculating the total expenditures made.~~

17 ~~(h) An individual who raises contributions from others for his~~
18 ~~or her campaign, but who raises or spends less than one thousand~~
19 ~~dollars (\$1,000) in a calendar year, and does not qualify as a~~
20 ~~committee under Section 82013, shall establish a campaign~~
21 ~~contribution account pursuant to subdivision (a), but is not required~~
22 ~~to file a committee statement of organization pursuant to Section~~
23 ~~84101 or other statement of bank account information.~~

24 *SECTION 1. Section 85201.5 is added to the Government Code,*
25 *to read:*

26 *85201.5. (a) Notwithstanding Section 85201, an elected state*
27 *officer or candidate for elective state office who has filed a*
28 *statement of intention to be a candidate for more than one elective*
29 *state office pursuant to Section 85200 shall in no event have more*
30 *than two campaign contribution accounts open simultaneously for*
31 *purposes of receiving contributions in connection with those*
32 *elective state offices.*

33 ~~SEC. 3.~~

34 *SEC. 2. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district will be incurred because this act creates a new crime or*
38 *infraction, eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section 17556 of*
40 *the Government Code, or changes the definition of a crime within*

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 ~~SEC. 4.~~

4 *SEC. 3.* The Legislature finds and declares that this bill furthers
5 the purposes of the Political Reform Act of 1974 within the
6 meaning of subdivision (a) of Section 81012 of the Government
7 Code.

8 *SEC. 4.* *This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety within*
10 *the meaning of Article IV of the Constitution and shall go into*
11 *immediate effect. The facts constituting the necessity are:*

12 *In order to implement these proposals at the earliest possible*
13 *time prior to the 2014 General Election, it is necessary that this*
14 *act take immediate effect.*

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