



# CCR

Committee on Chicano Rights, Inc

DECEMBER 13, 1977

THIS LETTER IS TO VERIFY THE ACTIONS TAKEN BY THE EXECUTIVE BOARD OF THE COMMITTEE ON CHICANO RIGHTS AT ITS MEETING OF NOVEMBER 29, 1977, which authorizes our Treasurer Mr. Ralph Inzunza to pay the following monthly expenditures:

1.) Telephones

- a. Business-474-8195  
477-3800
- Residential-475-0554

This includes any late charges.

2.) Office Utilities

- a. San Diego Gas and Electric
- b. Rubbish (National City)

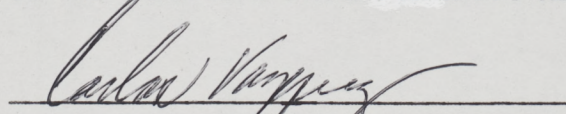
3.) Office Rent

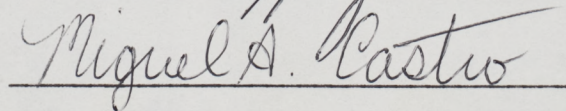
- a. \$125.00
- b. To include increase in FY-78

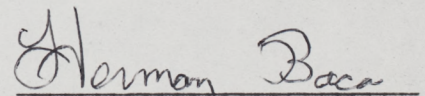
4.) Expense account for Herman Baca-\$25.00 monthly

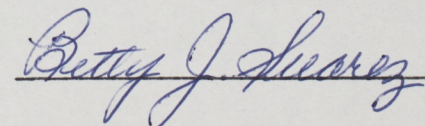
5.) Emergency account-\$20.00

ALL OTHER EXPENSES INCLUDING THE ABOVE SHALL BE SUBMITTED TO THE EXECUTIVE BOARD FOR APPROVAL.

  
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**INTERIM INFORMATION MANUAL ON CAMPAIGN  
DISCLOSURE PROVISIONS OF  
PROPOSITION NINE**

## INTRODUCTION

California law (Proposition 9, the Political Reform Act of 1974) requires all candidates for public office, all office holders and committees supporting or opposing candidates and ballot measures to disclose their contributions and expenditures. The following instructions provide a detailed explanation of these requirements. All campaign statements filed with the Secretary of State are subject to audit by the Franchise Tax Board, and failure to file your campaign statements in careful compliance with these instructions may result in civil and criminal penalties.

The following instructions do not apply to elections for federal office (i.e., U.S. House of Representatives, U.S. Senate and President and Vice President of the United States). Candidates for these federal offices are subject to federal disclosure requirements. They are also required under California law to file copies of their federal statements with appropriate officials. See "California

Disclosure Requirements in Federal Elections."

The requirements described in these instructions went into effect on January 7, 1975. Contributions received and expenditures made prior to that date must be reported under the Waxman-Dymally Campaign Disclosure law. See 1974 Secretary of State's Manual "Instructions to State and Local Candidates and Political Committees for Preparation of Campaign Statements." The instructions below cover contributions received and expenditures made after January 6, 1975.

**NOTE:** Under Proposition 9 forms and manuals will be prescribed by the Fair Political Practices Commission, which will be formed following January 7, 1975. Interim Forms 410-470 and this interim instruction manual have been prepared for use only during the period before materials prescribed by the Commission are published and distributed. Thereafter, forms and manuals prescribed by the Commission should be used.

### 1. WHO MUST FILE?

#### a. Persons Who Hold Elective Office

Persons who hold any elective office—state, county, judicial, district, central committee, or municipal—must file campaign statements.

#### b. Candidates

Every candidate for public office at every election, including those who lose the election and write-in candidates, must file campaign statements.

#### c. Committees

Any person, group of persons, or organization receiving contributions or making expenditures is a committee which must file campaign statements if contributions received or expenditures made total \$500 or more in a calendar year.

In addition to filing campaign statements, any person receiving \$500 or more in a calendar year must file a Statement of Organization, Form 410 with the Secretary of State.

#### EXAMPLES:

- 1) Smith of Smith Associates decides that his company officers should make contributions to candidates. He solicits five vice-presidents who give him \$100 each. Smith donates the money to two candidates. Because Smith has received \$500 in contributions, Smith must file a Statement of Organization (Form 410) and campaign statements (Form 420).
- 2) John Q. Smith purchases billboards at a cost of \$1,500 for candidate John Doe. Smith is a committee and must file campaign statements (Form 460) because he has made expenditures of \$500 or more. He is not required to file a statement of organization because he has not received and does not anticipate receiving \$500. If Smith had given the \$1,500 directly to candidate John Doe, he would not be a committee.

**NOTE:** An individual or organization who merely acts as an agent for collection or an intermediary for contributions or expenditures is not considered to be a committee and need not file a campaign statement. However, the ultimate recipient should list the intermediary as well as the contributor.

#### EXAMPLE:

Union Local 14 is affiliated with a County Labor Federation and pays to the federation 25 cents a month out of the dues of each union member for political purposes. These payments are made to the federation pursuant to a fixed agreement and are automatic.

The County Federation should report on its campaign statement the total amount forwarded to it by Local 14 and all the information required by law on union members who contributed \$50 or more. If no union member contributed \$50 or more, then the total of the contributions under \$50 must be reported.

Since Local 14 is an intermediary, it is not a committee and will not have to file campaign statements.

#### d. Major Donors

A person who gives \$5,000 or more in a year to one or more campaigns, is a "major donor" and must file campaign statements.

#### EXAMPLE:

John Q. Smith contributes \$1,500 to the Committee against Proposition 30, \$1,000 to candidate John Doe, and \$2,500 to the City Committee for Proposition A. Because Smith has contributed at least \$5,000 in a calendar year, he is a "major donor" committee and must file periodic reports. He would report the \$5,000 as expenditures to the various committees, and the committees would report the money as contributions from Smith.

## 2. WHEN MUST STATEMENTS BE FILED?

### a. Statement of Organization

Any committee receiving \$500 or more must file a Statement of Organization (Form 410) within 10 days of its organization. Each committee in existence on January 7, 1975, must file a Statement of Organization by February 6.

### b. Pre-election Campaign Statements

Committees supporting or opposing ballot measures must file campaign statements by the 35th day and the 7th day prior to the election.

Candidates and committees supporting or opposing candidates must file campaign statements by the 40th day and 12th day prior to the election.

The "closing date" (see Section 3(a) below) for a pre-election campaign statement is 3 days before the filing deadline. Statements may not be filed before the closing date.

NOTE: Committees which support or oppose both candidates and ballot measures may choose the filing schedule for either candidates or for ballot measures, but they must follow one schedule consistently both before and after the election.

Any contribution of \$1,000 or more received after the closing date of the last pre-election statement must be reported within 48 hours of its receipt by any written means of communication, such as telegram or letter. This report does not have to contain an original signature but must contain the name, street address, occupation, employer, or principal place of business, if self-employed, of the contributor, as well as the amount of the contribution. This information must be reported again on the next campaign statement filed.

IMPORTANT: Once a candidate or committee files a pre-election statement, it must continue to do so until it files a post-election statement, **even if there are no further transactions.**

### c. Post-election Campaign Statements

Candidates and committees supporting candidates must file campaign statements not later than 65 days after the election.

Committees supporting or opposing ballot measures must file campaign statements not later than 70 days after the election.

The "closing date" (see Section 3(a) below) for post-election campaign statements is 7 days before the final deadline. However, if prior to the closing date all liabilities have been paid and no additional contributions are expected, the campaign statement may be filed at any time after the election and before the deadline. This early filing applies only to post-election statements.

### d. "Off-year" Statements

A candidate or committee that has received contributions or made expenditures during a six-month period (January 1-June 30, July 1-December 31) when it has

not participated in an election must file a campaign statement covering the six-month period. Any person who holds elective office must file such statements for each six-month period in which he was not a candidate at any election whether or not he received contributions or made expenditures. These off-year statements must be filed not later than July 31st for the period January 1-June 30, and not later than January 31st for the period July 1-December 31.

### EXAMPLES:

1) John Smith runs for city council and wins on March 5, 1975. He need not file an off-year campaign statement for January 7-June 30 because he has filed statements in connection with his March election. His off-year campaign statement will cover the period from the closing date of his post-election statement through December 31, 1975, and will be due by January 31, 1976.

2) In 1975, Richard Roe is raising money for his race for Assembly in June, 1976. Roe is not a candidate for any election held in 1975. He will have to file off-year campaign statements in July and January since he is raising money in the year 1975.

EXCEPTION: Elected officials who earn less than \$100 a month and judges need not file off-year reports unless they receive contributions or make expenditures during the year. Such persons are not excused from filing pre-election and post-election campaign statements during years in which they are candidates.

NOTE: Campaign statements filed in July, 1975, should cover the period January 7, 1975-June 30, 1975.

### e. Ballot Measure Proponents

Proponents of an initiative, referendum, or recall measure must file a campaign statement following the circulation of petitions. This statement must be filed, whether or not the measure qualified for the ballot. If the measure qualified, the deadline for filing is 58 days after the date of qualification. If the measure did not qualify, the deadline is 58 days after the final date for circulating. In either case, the "closing date" (see Section 3(a) below) is 7 days prior to the deadline for filing the campaign statement.

### f. Special Elections

A different schedule for filing campaign statements is applicable in a special election and any other election in which a run-off is held less than 60 days following a primary. The pre-election statements for the primary are filed by the 33rd day and the 7th day prior to the election. Between the primary and the run-off, a single statement is filed not later than 7 days before the run-off, with a "closing date" (see Section 3(a) below) of 3 days before the filing deadline. After the run-off, a post-election statement is filed not later than 65 days after the election.

### **g. Judges**

Incumbent candidates for judicial offices whose names do not appear on the ballot because they are unopposed need file only a single post-election statement after the general election. This statement must cover both the primary and general elections and must be filed by 17 days after the general election.

### **h. When is a Campaign Statement Actually on File?**

The law requires that statements be in the filing office by the last day of filing. It is not sufficient to send the report by ordinary mail postmarked as of the filing deadline. The filing officer must have the statement in his hands by the deadline. The only exception is for statements mailed first class registered mail. These statements will be considered received on the date of the postmark.

## **3. WHAT IS THE PERIOD COVERED BY A CAMPAIGN STATEMENT?**

### **a. What is the "Closing Date?"**

The "closing date" means the date through which the campaign statement is required to be complete. A campaign statement must show all contributions received and expenditures made through the closing date, i.e., including the closing date. The closing date for each campaign statement is set forth in Section 2 above.

#### **EXAMPLES:**

- 1) Candidate John Smith's campaign statement is due not later than 40 days prior to the election. His closing date is 3 days before the deadline. Candidate Smith must show all contributions received and expenditures made through the 37th day prior to the election. He may not file his campaign statement before the 37th day prior to the election.
- 2) Candidate John Smith's campaign is completed. His post-election campaign statement is due 65 days after the election and his closing date is 7 days before the deadline. Two weeks after the election, Smith has paid

all his bills and expects no more contributions. He may, if he wishes, file early. This early filing applies only to post-election campaign statements.

### **b. How Far Back Does the Campaign Statement Go?**

The campaign statement must itemize receipts and expenditures since the closing date of the last statement that has been filed, or since January 7, 1975, if no statement has previously been filed. There is no gap between campaign statements nor any overlap.

### **c. What is a "Cumulative Amount?"**

On all forms the amounts must be stated not only for the period covered by the campaign statement but "cumulative amounts" must also be stated. The cumulative amount is the total since the closing date of the last post-election statement that has been filed or since January 7, 1975 if a post-election statement has never been filed.

## **4. HOW TO PREPARE A STATEMENT OF ORGANIZATION**

\* A statement of organization must be filed on Form 410 in the office of the Secretary of State even if the committee is a local committee which files its campaign statements in county offices. The Secretary of State will assign an identification number to the committee and

send a copy of the report to the appropriate counties. If there is any change, including the candidates or propositions the committee is supporting or opposing, then the committee must file an amendment within 10 days of the change.

## **5. HOW TO PREPARE A CAMPAIGN STATEMENT**

All campaign statements must be filed on Form 420 for committees or Form 430 for candidates, including pre-election statements, post-election statements, off-year statements, and statements filed in connection with the circulation of ballot measure petitions. Simplified forms are available, however, for "major-donor" committees which have received no cash contributions and made no expenditures other than contributions of cash or cash equivalents (Form 440), for committees whose con-

tributions are all under \$50 (Form 450) and for committees which have made expenditures but have received no contributions (Form 460). A simplified form is also available for a candidate whose entire campaign raised and spent not more than \$200 (Form 470).

Persons filing Form 420 or 430 must fill out the summary page and Schedules A-F. If you have no items to report on one or more schedules, you may write "None" on the first line but you must include all the schedules. \*

If you need additional space on one or more schedules, you may obtain extra copies of the schedule from your county clerk. If you do not use extra copies of the schedule but instead use your own sheets in a different format, your statement will not be in compliance with the law unless you present all the information called for in the schedule in a format that is clear and easily understood and has been approved by the Commission prior to its use.

**CONTRIBUTIONS**

The word "contribution" includes a payment, gift, advance, dues, loan, pledge or promise of money or anything of value unless it is clear from the surrounding circumstances that it is not made for political purposes. It includes purchases of tickets for dinners and other fund-raising events, the candidate's own money, discounts or rebates not available to the general public, services of an employee donated by his employer, forgiveness of a loan or payment of the loan by a third party, and a transfer of anything of value from one committee to another committee.

A "contribution" does not include volunteer services provided without compensation, and payments made by an individual for his own travel expenses, if these payments are made voluntarily without any understanding or agreement that they will be repaid to him.

The full name, street address, city and state, as well as occupation and name of employer, or the principal place of business if self-employed, must be stated for anyone from whom a contribution or contributions totaling \$50 or more has been received. The amount of the contribution and the cumulative amount received from the contributor and the date of the contribution must also be provided. (See Section 3(c) above for an explanation of "cumulative amount.")

**EXAMPLE:**

The following listings of contributors are acceptable:

**SCHEDULE A**

**PART 2—RECEIVED FROM OTHERS:**

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
4-28-75	John Quincy Doe 107 S. Broadway Los Angeles	Corporation Vice-President	General Widget Inc.	450	800
3-14-75	John Q. Doe 28 Main Street Portland, Oregon	Lawyer	Doe & Doe	50	125
4-18-75	J. Quincy Doe 111 Capitol Mall Sacramento	President	General Widget Inc.	1,000	1,000
4-8-75	John Doe 400 South Flower Los Angeles	Physician	107 S. Broadway Los Angeles	100	100

**NOTE:** A payment to a committee is a contribution which must be reported, whether or not the payment is designated as "dues", "membership fees" or any similar name. Questions sometimes arise, however, in the case of payments to a committee which only raises a portion of its revenues for political purposes. In such cases, the committee must determine the percentage of its revenue which will be used for political purposes. If the committee has not yet determined the amount of its political expenditures it must designate the highest percentage which it anticipates may possibly be used for political purposes. It is then presumed that a pro rata share of each payment received constituted a contribution. This presumption would not apply, however, if a contribution were made specifically for political use.

**EXAMPLE:**

A trade association uses one third of its resources for political expenditures and the remaining two thirds for its general organizational activities. Its members are assessed dues varying with their size. The ABC Corporation pays annual dues of \$3,000 and the XYZ Corporation pays annual dues of \$120. The association must list on its statement a contribution of \$1,000 received from the ABC Corporation. The XYZ Corporation need not be listed because its contributions amounted to only \$40.

**EXCEPTION:**

If, at the time the payment was made, it could not reasonably have been foreseen that the committee would make political expenditures, then the payment need not be reported as a contribution.

**Schedule A—Monetary Contributions**

The full name of each contributor must be stated on Schedule A. It is not acceptable to list merely a surname or an initial and a surname.

The following listings of contributors are not acceptable:

**SCHEDULE A**

**PART 2—RECEIVED FROM OTHERS:**

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR*	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
March	Doe (must list complete name) Los Angeles (Must list address)	(Must complete this section)	Doe & Doe	Over 500 (exact amount must be stated)	
-----	J. Boe Nevada	Executive	(Must complete this section)	Between 100 & 500	
1975	J. O. Coe	Attorney	Los Angeles		

\* (Since Coe is self-employed, his place of business must be listed as 107 South Broadway, Los Angeles)

If the contributor is a committee, complete Schedule A, Part 1. The campaign statement must contain the number assigned to the committee by the Secretary of

State, or if a number has not been assigned, the full name and street address of the treasurer of the committee.

**EXAMPLE:**

**SCHEDULE A**

**PART 1—RECEIVED FROM COMMITTEES:**

DATE	FULL NAME AND ADDRESS OF COMMITTEE (Street, City, State)	I.D. NUMBER OR TREASURER'S FULL NAME AND ADDRESS	AMOUNT RECEIVED	CUMULATIVE TO DATE
2-1-75	Committee to Elect Doe	I.D. Number 7415892	500	1,000

The actual source of campaign contributions must be reported. If an intermediary delivers the contribution on behalf of another, then the recipient must provide full information regarding both the intermediary and the actual contributor.

tions to give the money to Candidate Smith. Doe gives the money to Smith as instructed. Candidate Smith must report the contribution coming from the ZZZ Corporation and list attorney John Q. Doe as the intermediary. It is not acceptable to list John Q. Doe as the contributor without listing the ZZZ Corporation and it is not acceptable merely to list ZZZ Corporation as the contributor.

**EXAMPLE:**

Mr. John Q. Doe, an attorney, is given a check by the ZZZ Corporation, one of his clients, with instruc-

**SCHEDULE A**

**PART 2—RECEIVED FROM OTHERS:**

DATE	FULL NAME AND ADDRESS (Street City, State) OF CONTRIBUTOR *	OCCUPATION	EMPLOYER (IF CONTRIBUTOR IS SELF-EMPLOYED LIST STREET ADDRESS & CITY OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE AMOUNT
2/1/75	ZZZ Corporation 700 Victoria Drive San Francisco			350	350
	Transmitted by John Q. Doe 810 First Street, Davis, Intermediary for ZZZ Corp.	Attorney	Doe & Doe		

\* Contributions must be shown whether received before or after the official opening of the campaign. To determine whether \$50 or more has been received from one contributor, the total of his contributions to the campaign (i.e., the "cumulative amount" of his contribution—see Section 3(c) above for an explanation of "cumu-

lative amount") must be considered. If two or more contributions, each under \$50 but totaling \$50 or more, have been received from one source, the total must be reported.

After all contributors have been listed, total the contributions and complete the summary at the bottom of

\* the schedule. The total received from contributors of \$50 or more must be stated separately from the total received from contributors under \$50 and the sum of the two should be entered on Schedule A and on Line No. 1, column B of the Summary Page. (Page 2 of Form 420 or 430).

**b. Schedule B—Loans**

Loans of money, property or other things must be reported separately in Schedule B.

Loans of \$50 or more must be itemized in part 1 of Schedule B. For each loan there must be listed the name, street address, occupation, employer, or the principal place of business if self-employed of the lender and of any guarantors and cosigners, and the date, amount, cu-

mulative amount and interest rate of the loan. When any portion of a loan is repaid, paid by a third party, or forgiven, the transaction must be listed on part 2 of Schedule B.

In the case of payment by a third party or forgiveness of the loan, the transaction must also be listed on Schedule A since a contribution has been received.

**EXAMPLE:**

On March 1, John Doe lends Candidate Roe \$10,000 to be paid back \$1,000 a month without interest. Roe pays back \$1,000 on April 1. On April 15, Sam Smith pays \$5,000 and on May 1, Doe forgives the rest of the loan.

The campaign statement should be completed in the following manner:

**SCHEDULE B  
Loans**

**PART 1—LOANS RECEIVED**

DATE	FULL NAME AND ADDRESS OF LENDER AND ANY GUARANTORS OR COSIGNERS	OCCUPATION	EMPLOYER (If self-employed list street address and city of business.)	Interest Rate	AMOUNT OF LOAN	CUMULATIVE AMOUNT
3-1-75	John Doe 212 C Street Davis	Attorney	Doe & Doe	0%	10,000	10,000

**PART 2—LOANS REPAYED, FORGIVEN, OR PAID BY A THIRD PARTY**

DATE	FULL NAME AND ADDRESS	AMOUNT REPAYED	AMOUNT FORGIVEN (Enter on Sched. A)	AMOUNT PAID BY A THIRD PARTY (Enter on Sched. A)	UNPAID BALANCE
4-1-75	John Doe 212 C Street, Davis	1,000	0	0	9,000
4-5-75	◦ Sam Smith (to John Doe) 201 Cedar Street, Woodland	0	0	5,000	4,000
5-1-75	◦ John Doe 212 C Street, Davis	0	4,000	0	0
SUBTOTAL \$		1,000	4,000	5,000	XXXXX

◦ (This transaction should be listed on Schedule A since it is now a contribution.)

**c. Schedule C—Non-Monetary Contributions**

Non-monetary contributions, such as goods and services (e.g., the candidate receives a free airplane ride or free office space) are reported in the same manner as cash contributions but on Schedule C. A description of each

non-monetary contribution must be included on Schedule C. Persons who make non-monetary contributions of \$500 or more must also file campaign statements, Form 460. Schedule C should be completed in the following manner:



### SCHEDULE C

DATE	FULL NAME AND ADDRESS AND I.D. NUMBER (if committee)	OCCUPATION	EMPLOYER*	DESCRIPTION OF CONSIDERATION	FAIR MARKET VALUE RECEIVED	CUMULATIVE AMOUNT
1-3-75	Buck Rogers 23 Victor Drive San Francisco	Corp. Pres.	General Widget, Inc.	5 round trips Los Angeles to San Francisco	185	185
2-4-74	Doe Realty 4281 Ocean Avenue San Diego			Use of office space for campaign	3,000	10,000
2-6-74	Digital Data, Inc. 12 Center Avenue Portland, Oregon			Use of computer for mailing	40,000	40,000
4-6-74	General Widget, Inc. 123 Ellis Street San Francisco			One month's services of employee, J. Widget	325	975

#### d. Schedule D—PLEDGES

Pledges (contributions which have been promised but not actually paid) should be reported on Schedule D. Report pledges in the same manner as contributions. When the pledge is actually paid, list the appropriate information on Schedule A and on Schedule D.

#### EXAMPLE:

Three months before the election, Richard Roe promises to give candidate Smith a contribution of \$5,000. As of the closing date of Smith's first pre-election statement Roe has not yet actually paid Smith anything. Accordingly, Smith fills in Schedule D as follows:

#### SCHEDULE D PLEDGES

DATE	FULL NAME AND ADDRESS AND I.D. NUMBER (if committee)	OCCUPATION	EMPLOYER*	(a)	(b)	(c)
				AMOUNT PLEDGED THIS PERIOD	AMOUNT PAID (Enter on Sched. A)	CUMULATIVE PLEDGE UNPAID
3/1/75	Richard Roe 20 Cedar Street Fresno	Stockbroker	Bears & Bulls, Inc.	5,000	0	5,000

Fifteen days before the election, Roe gives Smith a check for \$5,000 in fulfillment of his pledge. Smith re-

ports the contribution on Schedule A of his second pre-election statement and he fills in Schedule D as follows:

#### SCHEDULE D PLEDGES

DATE	FULL NAME AND ADDRESS AND I.D. NUMBER (if committee)	OCCUPATION	EMPLOYER*	(a)	(b)	(c)
				AMOUNT PLEDGED THIS PERIOD	AMOUNT PAID (Enter on Sched. A)	CUMULATIVE PLEDGE UNPAID
5/15/75	Richard Roe 20 Cedar Street Fresno	Stockbroker	Bears & Bulls, Inc.	0	5,000	0

#### e. Schedules E and F—EXPENDITURES

Expenditures are reported on Schedules E (Parts 1 and 2) and F. If payment has actually been made, the expenditure is reported on Schedule E. If the expenditure was made to a committee, use Part 1 of Schedule E. If the expenditure was made to a person other than a committee, use Part 2 of Schedule E. If the goods or services have been received but no payment has yet been made, the expenditure (i.e., the "accrued expense") is reported on Schedule F.

Items which have been reported on Schedule F on one campaign statement may be paid in a later period. Such

items needs not be itemized again but the total of such payments must be indicated in the summary portion of Schedule E and F so that the cash condition reported in the statement will remain balanced.

An expenditure includes a payment, loan, pledge or promise of money or anything of value for goods, materials, services, or facilities unless it is clear from the surrounding circumstances that it is not made for political purposes.

The full name, street address and a brief description of the purpose for which the expenditures were made, must be stated for each person to whom expenditures totaling

\$50 or more have been made, together with the amount of the expenditures.

In the case of expenditures made to committees, the campaign statement (Schedule E—Part 1) must contain the number assigned to the committee by the Secretary of State or, if a number has not been assigned, the full name and city and state of the treasurer of the committee must be provided.

If the person providing the consideration for the expenditure is different from the payee, then his name and city and state must also be listed.

**EXAMPLE:**

John Jones, an employee of the John Doe Campaign Committee travels on Great State Airlines once a week. He submits a bill of \$100 to the treasurer of the committee and he is reimbursed. John Jones must be listed as the payee, but Great State Airlines must be listed as having provided the services. See Page 11 for an example of how Schedule E would be completed.

**EXAMPLE:**

Candidate Doe makes the following payments: \$4,500 for postage, \$10,000 for television time on KBBB-TV,

\$900 for an ad in the Daily Press, \$850 for outdoor advertising from Outdoor Ads Inc. and \$4,000 to John Jones, his campaign manager. See Page 11 for an example of how Schedule E would be completed.

Expenditures made by an agent or independent contractor (such as an advertising agency) must be reported by the candidate or committee.

**EXAMPLE:**

Candidate Doe pays Ace Advertising \$8,000. Ace spends \$6,000 on radio and newspaper spots for Doe's campaign. Doe must list the radio stations and newspapers on his report and report the remaining \$2,000 as the fee of Ace Advertising. See Page 11 for an example of how Schedule E would be completed.

**f. Summary Page**

f. After completing all the schedules, you must transfer each schedule's totals to the Summary Page. On your first campaign statement, do not complete Column A.

An example of a completed Summary Page appears on Page 14.

**SCHEDULE E**  
**Payments**

**PART 2—MADE TO OTHERS:** (See information manual for directions and examples)

FULL NAME AND ADDRESS OF PAYEE * (Street, City, State)	DESCRIPTION OF PAYMENT	AMOUNT THIS PERIOD
John Jones, Payee 1831 Crest Avenue, Beverly Hills Great State Airlines 789 Airport Drive, Inglewood	Transportation-Airlines	100
U.S. Postmaster Grand Station, Los Angeles	Postage	4,500
KBBB-TV 89 Second Street, Fresno	Television Advertising	10,000
Daily Press 32 Chester Avenue, Bakersfield	Newspaper Advertising	900
Outdoor Ads, Inc. 66 Grant Avenue, San Francisco	Billboards	850
John Jones 107 Olympic Blvd., Los Angeles	Campaign Manager	4,000
Ace Advertising 10 Dole Street, Fresno	Advertising Commission	2,000
KCCC 48 Fourth Street, San Diego	Television Advertising	3,000
San Francisco News 144 Union Street, San Francisco	Newspaper Advertising	3,000
Attach additional information on appropriately labeled continuation sheets.		
<b>SUBTOTAL (Carry with additional subtotals to Line 3, part 3) \$</b>		<b>28,350</b>

\*If the person providing the goods or services was different than the payee, list both person's name and address.

BULK RATE NO. <u>111</u>	<i>Enter your bulk rate and/or postage meter number used in campaign mass mailings. In addition a copy of each mass mailing should be sent to the Fair Political Practices Commission.</i>
POSTAGE METER NO. _____	

**PART 3—SUMMARY OF PAYMENTS** (See information manual for directions and examples)

1. MADE TO COMMITTEES THIS PERIOD (Part 1) Include all Subtotals .....	<u>\$28,350</u>
2. MADE TO COMMITTEES UNDER \$50 THIS PERIOD (Not Itemized) .....	<u>1,500</u>
3. MADE TO OTHERS THIS PERIOD (Part 2) Include all Subtotals .....	<u>0</u>
4. MADE TO OTHERS UNDER \$50 THIS PERIOD (Not Itemized) .....	<u>0</u>
5. TOTAL ACCRUED EXPENSES PAID THIS PERIOD (Schedule F, Line 4) .....	<u>0</u>
6. TOTAL PAYMENTS THIS PERIOD (Lines 1+2+3+4+5, Enter this total on line 8, Column B of Summary Page) .....	<u><u>\$29,850</u></u>

## 6. WHAT ARE THE DUTIES OF A COMMITTEE TREASURER?

- a. Each committee must have a treasurer.
- b. No contributions may be received nor any expenditures made by the committee when there is no committee treasurer.
- c. The treasurer or his agent must authorize all expenditures on behalf of the committee. No expenditure may be made without his authorization. The authorization may be either general or specific.
- d. All contributions received by a person acting for the committee must be reported promptly to the treasurer or his agent. "Promptly" means not later than five days before the closing date of any campaign statement required to be filed by the treasurer and immediately if

the contribution was received less than five days before the closing date.

e. All contributions shall be kept segregated and not co-mingled with any personal funds of the recipient or any other person.

f. The treasurer must keep detailed accounts, records, bills, and receipts of all transactions, as shall be required by regulations adopted by the commission.

g. The treasurer must file campaign statements and the Statement of Organization and must verify that he has used reasonable diligence in preparing them and that to the best of his knowledge and belief they are true and complete.

## 7. WHAT ARE THE DUTIES OF A CANDIDATE?

- a. All contributions received by a person acting as an agent for the candidate must be reported promptly to the candidate or his agents.
- b. The candidate must keep detailed accounts, records, bills and receipts of all transactions as shall be required by regulations adopted by the commission.
- c. The candidate must file campaign statements and

verify that he has read his own campaign statement and the campaign statement of each committee subject to his control and that the campaign statements are true and complete to the best of his knowledge and belief. The candidate is not relieved of his obligation to file a separate statement by virtue of his campaign committee filing a statement.

## 8. PROHIBITIONS

a. No anonymous contribution of \$50 or more may be made by a contributor. Anyone receiving such a contribution may not use it but must promptly pay it to the Secretary of State for deposit into the General Fund of the State.

b. No cash contributions or expenditures of \$50 or more may be made. All contributions of \$50 or more must be made by a check or other instrument containing the name of the donor and the name of the payee. Accordingly, contributions of \$50 or more may not be made by a cashier's check unless the name of the donor and the name of the payee appear on the check.

3. No contribution may be made directly or indirectly by a person in a name other than the name by which the person is identified for legal purposes.

4. No person may make an expenditure for a mass mailing in support of or in opposition to a candidate or

measure unless the postage is paid by postage meter or the mail is sent by first class or third class bulk rate mail. The bulk rate number or meter number must be stated in the campaign statement, and a copy of every mass mailing must be sent to the commission. Copies sent to the commission shall be public records. A "mass mailing" is two hundred or more identical or nearly identical pieces of mail but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

5. It is illegal for a lobbyist to make a contribution or to act as an agent or intermediary in the making of a contribution or to arrange for the making of any contribution by himself or by any other person to any state candidate, a committee supporting a state candidate or an elected state officer.

## 9. WHERE MUST STATEMENTS BE FILED?

Copies of each campaign statement must be filed as follows:

a. **Statewide elections**—Campaign statements of candidates and persons holding statewide office, of committees supporting such candidates, of committees supporting or opposing statewide measures, and of state central committees of political parties—one original and one copy with the Secretary of State, two copies with the Registrar of Voters of the City and County of San Francisco, and two copies with the Registrar-Recorder of Los Angeles County.

b. **Other state elections**—Campaign statements for candidates and persons holding the office of superior court judge, the State Legislature, and the Board of Equalization, and of committees supporting such candidates—one original and one copy with the Secretary of State, and two copies with the clerk or registrar of voters of each county which in whole or in part is included in the election district in which the candidate seeks nomination or election.

c. **Multi-county elections**—Campaign statements of candidates and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in more than one county but not statewide—one original and one copy with the clerk or registrar of voters of the county having the largest population, and two copies with the clerk or registrar of voters of each additional county wholly or partially included in the election district in which the candidate seeks nomi-

nation or election or in which the measure is voted upon.

d. **County and city elections**—Campaign statements of candidates and persons holding office not mentioned above, of committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk or registrar of voters and, if the candidates or measures are to be voted upon within a single city, two copies with the clerk of that city.

c. **County central committees**—Campaign statements of the county central committees of political parties—one original and one copy with the Secretary of State and two copies with the county clerk or registrar of voters.

To expedite filing, the Secretary of State accepts reports delivered by hand in both his Los Angeles and Sacramento offices. The Los Angeles office is located at Room 4001, Serra Building, 107 South Broadway, Los Angeles. The Sacramento office is located at Room 605, 925 L Street, Sacramento. Statements which are filed by mail with the Secretary of State should be addressed as follows:

SECRETARY OF STATE  
P.O. Box 1467  
Sacramento, CA 95807

NOTE: Committees supporting a candidate(s) running in more than one county must file copies in each county. Once a committee files copies in a county, it must continue to do so until it files a post-election statement, even if there are no further transactions occurring in that county.

## 10. PENALTIES

Persons who do not file their campaign statements on time are liable for a late filing penalty of \$10 a day to the filing officer. The maximum liability will be \$100 or the cumulative amount stated on the late campaign statement, whichever is greater.

Persons who do not comply with the requirements of the law are also subject to severe criminal and civil penalties.

## SUMMARY PAGE

Name John Doe

I.D. Number \_\_\_\_\_  
(If Committee)

Do not complete this column on your first campaign statement. On subsequent campaign statements, this column should be identical to Column C of your previous campaign statement.

This column should contain the totals of the summary of each schedule.

### RECEIPTS

1. Monetary contributions (Line 5, Part 3 of Schedule A)
2. Unpaid loans (Line 9, Part 3 of Schedule B)
3. Miscellaneous receipts (attach explanation)
4. Total monetary contributions, Net cash receipts (Lines 1 + 2 + 3)
5. Non-monetary contributions (Line 3 of Schedule C)
6. Pledges (Line 7 of Schedule D)
7. Total receipts (Lines 4 + 5 + 6)

COLUMN A	COLUMN B	COLUMN C
Cumulative total from previous period <b>\$3,215</b>	This period <b>\$5,872</b>	Cumulative to date <b>\$9,087</b>
850	(400)	450
(Total at beginning of period)	(Net change for period)	(Total at end of period)
0	0	0
<b>\$4,065</b>	<b>\$5,472</b>	<b>\$9,537</b>
1,490	0	1,490
700	(300)	400
(Total at beginning of period)	(Net change for period)	(Total at end of period)
<b>\$6,255</b>	<b>\$5,172</b>	<b>\$11,427</b>
		(Column A + Column B)

Pledges paid exceeded pledges received by \$300.

Repayment of loans, loans repaid by a third party, and loans forgiven exceeded loans received by \$400.

### EXPENDITURES

8. Payments (Line 6, Part 3 of Schedule E)
9. Accrued expenses (unpaid bills) (Line 5 of Schedule F)
10. Total expenditures (Lines 8 + 9)

\$890	\$5,982	\$6,872
6,428	(3,112)	3,316
(Total at beginning of period)	(Net change for period)	(Total at end of period)
<b>\$7,318</b>	<b>\$2,870</b>	<b>\$10,188</b>
		(Column A + Column B)

Accrued expenses paid this period exceeded accrued expenses incurred by \$3,112.

This total should be identical to your last campaign statement's Line No. 14 if you filed a previous campaign statement on this form.

### STATEMENT OF CHANGES IN FINANCIAL CONDITION

11. Cash on hand at the beginning of this period	<u>\$3,175</u>
12. Cash receipts this period (Line 4, column B)	<u>5,472</u>
13. Cash payments this period (Line 8, column B)	<u>5,982</u>
14. Cash on hand at closing date (Lines 11 + 12 - 13)	<u>2,665</u>
15. Liabilities (Line 2, column C + Line 9, column C)	<u>3,766</u>
16. Surplus (if Line 14 is greater than Line 15, subtract Line 15 from Line 14)	<u>          </u>
17. Deficit (if Line 15 is greater than Line 14, Subtract Line 14 from Line 15)	<u>\$ ( 1,101 )</u>

RALPH  
IX

Penalty - \$10/day

# PROPOSITION 9

## Text of Proposed Law

This Initiative Measure proposes to repeal and add sections of the Government Code and the Elections Code. Therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.

### PROPOSED LAW

SECTION 1: Title 9 is added to the Government Code as follows:

#### TITLE 9. POLITICAL REFORM

##### CHAPTER 1. GENERAL

81000. This title shall be known and may be cited as the "Political Reform Act of 1974."

81001. The people find and declare as follows:

- (a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;
- (b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;
- (c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;
- (d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;
- (e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;
- (f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;
- (g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and
- (h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

81002. The people enact this title to accomplish the following purposes:

- (a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited;
- (b) The amounts that may be expended in statewide elections should be limited in order that the importance of money in such elections may be reduced;
- (c) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials;
- (d) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided;
- (e) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measure;
- (f) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly; and
- (g) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

81003. This title should be liberally construed to accomplish its purposes.

81004. All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

81005. Reports and statements required by this title shall be filed as follows:

- (a) Reports and statements required by Chapter 6 and reports and statements of statewide elected officers, candidates for statewide elective office, committees supporting such candidates, state central committees of political parties, and committees supporting or opposing statewide measures—one original and one copy with the Secretary of State and, except for reports and statements required by Chapter 6, two copies with the clerk of Los Angeles County and two copies with the clerk of the City and County of San Francisco;
- (b) Reports and statements of candidates for and persons holding the office of superior court judge, member of the State Legislature, and member of the

Board of Equalization, and of committees supporting such candidates—one original and one copy with the Secretary of State, and two copies with the clerk of each county which in whole or in part is included in the district;

(c) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates and committees supporting or opposing measures to be voted on in more than one county—but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of each additional county wholly or partially included in the district;

(d) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon wholly within one city, of committees supporting such candidates and committees supporting or opposing measures to be voted upon wholly within one city—one original and one copy with the city clerk.

(e) Reports and statements of candidates for and persons holding any elective office not mentioned above, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk.

(f) Reports and statements of the county central committees of political parties—one original and one copy with the Secretary of State, and two copies with the county clerk.

(g) All reports and statements required by Chapter 7—one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body.

81006. No fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared, except that lobbyists may be charged not more than twenty-five dollars (\$25) per year for registration.

81007. When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class registered mail, addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him on the date of the deposit in the mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the report or statement is the date it was deposited in the mail.

81008. Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday and Sunday preceding a statewide election.

81009. Original reports and statements filed pursuant to this title shall be preserved by the filing officer. One copy shall be preserved by each additional officer with whom copies are filed for four years, and may thereafter be destroyed.

81010. With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

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

81011. Whenever in this title the amount of goods, services, facilities or anything of value other than money is required to be reported, the amount shall be the estimated fair market value at the time received or expended, and a description of the goods, services, or facilities shall be appended to the report or statement.

81012. This title may be amended or repealed by the procedures set forth in this section. If any portion of subsection (a) is declared invalid, then subsection (b) shall be the exclusive means of amending or repealing this title.

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

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

81013. Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

81014. Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

81015. If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

81016. Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

## CHAPTER 2. DEFINITIONS

82000. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

82001. "Adjusting an amount for cost of living changes" means multiplying the amount by a multiplier determined at the beginning of each year by the Director of Finance to reflect changes in the price level, based on the change during the previous calendar year in the Consumer Price Index published by the United States Bureau of Labor Statistics and on such other readily available sources of information as the Director of Finance may deem appropriate.

82002. "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).

82003. "Agency" means any state agency or local government agency.

82004. "Agency official" means any member, officer, employee or consultant of any state agency who as part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

82005. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

82006. "Campaign statement" means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

82007. "Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make an expenditure with a view to bringing about his nomination or election to any elective office, whether or not the specific elective office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

82008. "City" means a general law or a chartered city.

82009. "Civil service employee" means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

82009.5. "Clerk" refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

82010. "Closing date" means the date through which any report or statement filed under this title is required to be complete.

82011. "Code reviewing body" means:

(a) The Commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council or any local government agency with jurisdiction in more than one county;

(b) The board of supervisors, with respect to the Conflict of Interest Code of any county agency other than the board of supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

(c) The city council, with respect to the Conflict of Interest Code of any city agency other than the city council; and

(d) The Attorney General, with respect to the Conflict of Interest Code of the Commission.

82012. "Commission" means the Fair Political Practices Commission.

82013. "Committee" means any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party, whether national, state or local, if:

(a) Contributions received total five hundred dollars (\$500) or more in a calendar year;

(b) Expenditures and contributions made, other than contributions described in subsection (c), total five hundred dollars (\$500) or more in a calendar year; or

(c) Contributions of cash, checks and other cash equivalents paid directly to candidates and committees total five thousand dollars (\$5,000) or more in a calendar year. Persons or combinations of persons who are covered by this subsection but not by subsections (a) or (b) are deemed to be committees only for purposes of Chapter 4 of this title.



82014. "Conflict of Interest Code" means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

82015. "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; the candidate's own money or property used on behalf of his candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

The term "contribution" further includes any transfer of anything of value received by a committee from another committee.

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

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

82016. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

82017. "County" includes a city and county.

82018. "Cumulative amount" in a campaign statement means the amount contributed or expended since the closing date of the most recent post-election statement which has been filed by the filer. If the filer has not previously filed a campaign statement pursuant to any of these sections, the cumulative amount is the amount contributed or expended since the effective date of this title.

82019. "Designated employee" means any officer, employee, member or consultant of any agency whose position with the agency

(a) Is exempt from the state civil service system by virtue of subdivisions (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article XXIV of the Constitution, unless the position is elective or solely secretarial, clerical or manual;

(b) Is elective, other than an elective state office; or

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

"Designated employee" does not include an elected state officer or any unsalaried member of any board or commission which serves a solely advisory function.

82020. "Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

82021. "Elected state officer" means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

82022. "Election" means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

82023. "Elective office" means any state, regional, county, municipal, district or judicial office which is filled at an election. "Elective office" also includes membership on a county central committee of a qualified political party.

82024. "Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and member of the State Board of Equalization.

82025. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

82026. "Filer" means the person filing or required to file any statement or report under this title.

82027. "Filing officer" means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with him shall be signed in the original and shall be deemed the original copy.

82028. "Gift" means any payment to the extent that consideration of equal or greater value is not received. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. The term "gift" does not include informational material

such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

82029. "Immediate family" means the spouse and dependent children. Whenever disclosure of investments or interests in real property is required by this title, investments and interests in real property of members of the immediate family shall also be disclosed.

82030. (a) "Income" means, except as provided in subsection (b), income of any nature from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

(b) "Income" does not include:

(1) Campaign contributions required to be reported under Chapter 4 of this title;

(2) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;

(3) Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;

(4) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(5) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;

(6) Any devise or inheritance;

(7) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(8) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government.

82031. "Independent committee" means a committee which is not controlled either directly or indirectly by a candidate or controlled committee, and which does not act jointly with a candidate or controlled committee in connection with the making of expenditures. A committee may be controlled with respect to one or more candidates and independent with respect to other candidates.

82032. "Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses.

82033. "Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction if the fair market value of the interest is greater than one thousand dollars (\$1,000). Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

82034. "Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the Commission.

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

82036. "Late contribution" means any contribution of one thousand dollars (\$1,000) or more received after the closing date of the last campaign statement

required to be filed prior to an election.

82037. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. "Legislative action" also means the action of the Governor in approving or vetoing any bill.

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

82039. "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislation or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislation or administrative action. No person is a lobbyist by reason of activities described in Section 86300.

82040. "Lobbyist's account" means any fund, account or trust controlled by a lobbyist in connection with his activities as a lobbyist.

82041. "Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of these, but does not include any court or any agency in the judicial branch of government.

82041.5. "Mass mailing" means two hundred or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

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

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

82044. "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

82045. "Payment to influence legislative or administrative action" means any of the following types of payment:

(a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;

(b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;

(d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;

(e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

82046. "Period covered" by a statement or report required to be filed by this title means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which has been filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the effective date of this title. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

82047. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

82048. "Public official" means every member, officer, employee or consultant of a state or local government agency.

82049. "State agency" means every state office, department, division, bureau, board and commission, and the Legislature, but does not include the courts or any agency in the judicial branch of government.

82050. "State candidate" means a candidate who seeks nomination or election to any elective state office.

82051. "State measure" means any measure which is submitted or is intended to be submitted to the voters of the state.

82052. "Statewide candidate" means a candidate who seeks election to any statewide elective office.

82052.5. "Statewide election" means an election for statewide elective office.

82053. "Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer and Superintendent of Public Instruction.

82054. "Statewide petition" means a petition to qualify a proposed state measure.

82055. "Voting age population" means the population of the state aged eighteen years or over as determined by the United States Secretary of

Commerce pursuant to Section 104 (a) (5) of the Federal Election Campaign Act of 1971. If for any reason no such determination is made, the Commission shall from time to time determine the voting age population from the best readily available sources of information.

### CHAPTER 3. FAIR POLITICAL PRACTICES COMMISSION

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

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

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

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

83103. Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment. All initial appointments shall be made by February 1, 1975.

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

83105. Each member of the Commission shall be an elector. No member of the Commission, during his tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist. Members of the Commission may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply.

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

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

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

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

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

83111. The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

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

83113. The Commission shall, in addition to its other duties:

(a) Prescribe forms for reports, statements, notices and other documents required by this title;

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explaining the duties of persons and committees under this title; and

(c) Provide assistance to agencies and public officials in administering the provisions of this title.

83114. Any person may request the Commission to issue an opinion with respect to his duties under this title. The Commission shall, within fourteen days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The Commission's opinions shall be public records and may from time to time be published.

83115. Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this title relating to any state agency, state official, state election, lobbyist or state legislative or administrative action. Within fourteen days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or non-action. If no decision has been made within fourteen days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

83116. When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter.

When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

- (a) Cease and desist violation of this title;
- (b) File any reports, statements or other documents or information required by this title;
- (c) Pay a monetary penalty of up to two thousand dollars (\$2,000) to the General Fund of the state.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

83117. The Commission may:

- (a) Accept grants, contributions and appropriations;
- (b) Contract for any services which cannot satisfactorily be performed by its employees;
- (c) Employ legal counsel. Upon request of the Commission, the Attorney General shall provide legal advice and representation without charge to the Commission.

83118. The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

83119. The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

83120. An interested person may seek judicial review of any action of the Commission.

83121. If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

83122. There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) during the fiscal year of 1974-1975, and the sum of one million dollars (\$1,000,000), adjusted for cost of living changes, during each fiscal year thereafter, for expenditure to support the operations of the Commission pursuant to this title. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

The definition of "expenditure" in Section 82025 is not applicable to this section.

## CHAPTER 4. CAMPAIGN DISCLOSURE

### Article 1. Organization of Committees

84100. (a) Every committee shall have a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer.

(b) No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his designated agents.

(c) All contributions received by a person acting as an agent of a candidate shall be reported promptly by such person to the candidate or any of his

designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly by the recipient to the committee's treasurer or any of his designated agents. "Promptly" as used in this section means not later than five days before the closing date of any campaign statement required to be filed by the treasurer, and immediately if the contribution was received less than five days before the closing date. All contributions shall be segregated from and may not be commingled with any personal funds of the recipient or any other person.

(d) It shall be the duty of each candidate, treasurer and elected officer to keep such detailed accounts, records, bills and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

84101. Every committee which is a committee by virtue of Section 82013 (a) shall file with the Secretary of State a statement of organization within ten days after it is formed as a committee. Each such committee in existence at the date of enactment of this chapter shall file a statement with the Secretary of State within thirty days after the effective date of this chapter. The Secretary of State shall assign a number to each committee which files a statement of organization and shall notify the committee of the number. The Secretary of State shall send a copy of statements filed pursuant to this section to the clerk of each county which he deems appropriate.

84102. The statement of organization required by Section 84101 shall include:

(a) The name, street address and telephone number, if any, of the committee;

(b) The name, street address and telephone number of each person, if any, with which the committee is affiliated or connected;

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

(d) The full name and office sought by each candidate and the title and ballot number, if any, of each measure, which the committee supports or opposes;

(e) A statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly;

(f) The disposition of surplus funds which will be made in the event of dissolution;

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

84103. Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within ten days to reflect the change.

### Article 2. Filing of Campaign Statements

84200. Each candidate and each committee supporting or opposing a candidate or candidates shall file campaign statements not later than forty days prior to the election, not later than twelve days prior to the election, and not later than sixty-five days after the election.

84201. Notwithstanding the provisions of Section 84200, when a special, general or runoff election is held less than sixty days following the primary election, campaign statements shall be filed not later than thirty-three days prior to the primary, not later than seven days prior to the primary, not later than seven days prior to the special, general or runoff election, and not later than sixty-five days after the special, general or runoff election.

84202. (a) Not later than sixty-five days after a measure has been qualified for the ballot, the proponent shall file a campaign statement, the closing date of which shall be the fifty-eighth day following the qualification of the measure.

(b) If any proposed measure does not qualify for the ballot, the proponent shall file a campaign statement within sixty-five days after the final deadline for circulating the petition, the closing date of which shall be the fifty-eighth day following the deadline.

84203. Each committee supporting or opposing a measure shall file a campaign statement not later than thirty-five days prior to the election, not later than seven days prior to the election and not later than seventy days after the election.

84204. If a committee is required to file campaign statements with respect to both candidates and measures on the ballot at the same election, the committee may file its campaign statements according to the schedule of any section in this article which is applicable.

84205. The closing date for each campaign statement filed under Sections 84200, 84201 and 84203 is three days prior to the filing deadline, except that when the filing deadline is sixty-five or seventy days after an election, the closing date is seven days prior to the filing deadline. Any campaign statement required by Section 84202, and any campaign statement required to be filed after an election by Sections 84200, 84201 and 84203 may be filed prior to the closing date if all liabilities of the filer have been paid and no additional contributions or expenditures are anticipated.

84206. Every candidate and committee that receives contributions or makes expenditures during the periods specified in this section, and every elected officer except as provided below, shall file campaign statements as provided in this section, unless the candidate, committee or elected officer is required to file campaign statements in connection with any election or elections held within the periods specified in subsections (a) and (b):

(a) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(b) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period immediately prior to a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement. This section is not applicable to elected officers whose salaries are less than one hundred dollars (\$100) a month or to judges, unless such an elected officer or judge is a candidate or committee who receives contributions or makes expenditures during the specified periods.

84207. Notwithstanding the provisions of Section 84200, a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code shall file his campaign statement within seventeen days following the date of the general election and shall not be required to file any additional campaign statements. His campaign statement shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. If such a candidate's name does not appear on the ballot at the primary election but does appear on the ballot at the general election, he shall file the campaign statements required by Section 84200 before and after the general election, and such campaign statements shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. This section is not applicable to a committee supporting one or more candidates for judicial office, and each such committee shall observe the requirements of Section 84200.

84208. Every person who is required by Section 309 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C.A. Section 439 (a)) to file a copy of any statement or report with the Secretary of State of California shall, at the time such filing is required, file two copies of each such statement or report with the Secretary of State, one of which shall have an original signature, and two copies with:

(a) The clerk of Los Angeles County and the clerk of the City and County of San Francisco in the case of reports relating to a campaign for nomination or election of a candidate to the office of President or Vice-President of the United States, or United States Senator;

(b) The clerk of each county in which the congressional district is located in the case of reports relating to the campaign for nomination or election of a candidate to the office of Representative in Congress.

84209. A candidate shall verify his campaign statement and the campaign statement of each committee subject to his control. His verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

84210. Each campaign statement required by this article shall contain the following information:

(a) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of such totals (provided that if any loans have been repaid during the period covered by the campaign statement, the amount of such repayment shall be subtracted from the total amount of contributions received and expenditures made, and provided further that forgiveness of a loan or payment of a loan by a third party shall not be included in such totals).

(b) The total amount of contributions received during the period covered by the campaign statement from persons who have given fifty dollars (\$50) or more.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars (\$50).

(d) The total amount of expenditures made during the period covered by the campaign statement to persons who have received fifty dollars (\$50) or more.

(e) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than fifty dollars (\$50).

(f) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(g) The full name of each person from whom a contribution or contributions totaling fifty dollars (\$50) or more has been received, together with his street address, occupation, and the name of his employer, if any, or the principal place of business if he is self-employed, the amount he contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the number assigned to the committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender and any person who is liable directly, indirectly or contingently on the loan, together with the date and amount of the loan and, if the loan has been repaid, the date of repayment and by whom paid.

(h) The full name and street address of each person to whom an expenditure or expenditures totaling fifty dollars (\$50) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement, a brief description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee; and in the case of committees which are listed, the number

assigned to each such committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee.

(i) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure.

(j) The full name, residential and business addresses and telephone numbers of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address and telephone number.

(k) In a campaign statement filed by a candidate, the full name and street address of any committee, of which he has knowledge, which has received contributions or made expenditures on behalf of his candidacy, along with the full name, street address and telephone number of the treasurer of such committee.

84211. In order to determine for purposes of subdivisions (b), (c), (d), (e), (g) and (h) of Section 84210 whether fifty dollars (\$50) has been contributed by or expended to any person, only those contributions and expenditures which are includable within the cumulative amount shall be considered.

84212. Whenever any provision of this chapter requires the filing of a campaign statement by a candidate, the candidate may in lieu thereof file a statement signed under penalty of perjury that to the best of his knowledge not more than two hundred dollars (\$200) has been received or expended on behalf of or in support of his candidacy.

84213. Two or more committees which act jointly in support of or in opposition to any candidate or measure may file consolidated campaign statements under this chapter.

84214. Each late contribution shall be reported by filing with the filing officer within forty-eight hours of its receipt the full name, street address, occupation, and the name of employer, if any, or the principal place of business if self-employed, of the contributor. Filing of a report of late contributions may be by any written means of communication, including but not limited to telegram or letter, and need not contain an original signature. Late contributions shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

### Article 3. Prohibitions

84300. No contribution or expenditure of fifty dollars (\$50) or more shall be made in cash. Any contribution of fifty dollars (\$50) or more other than an in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

84301. No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

84302. No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

84303. No expenditure shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee, unless the agent or independent contractor files a campaign statement reporting the expenditure. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

84304. No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling fifty dollars (\$50) or more in a calendar year. An anonymous contribution of fifty dollars (\$50) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

84305. No person shall make an expenditure for the purpose of sending a mass mailing unless the postage is paid by postage meter or the mail is sent by first class or third class bulk rate mail. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the Commission. Such copies sent to the Commission shall be public records.

## CHAPTER 5. LIMITATIONS ON EXPENDITURES

### Article 1. Statewide Candidates

85100. Aggregate expenditures by a statewide candidate, his agents and controlled committees during the five months prior to an election shall not exceed the following amounts, adjusted in all years after 1974 for cost of living changes:

(a) For a primary election for Governor, seven cents (\$.07) multiplied by the voting age population.

(b) For an election for Governor other than a primary election, nine cents (\$0.09) multiplied by the voting age population.

(c) For a primary or general election for any statewide elective office other than Governor, three cents (\$0.03) multiplied by the voting age population.

85101. The amounts set forth in Section 85100 shall be reduced by ten percent for an incumbent who is seeking reelection to the same statewide elective office.

85102. The state central committee of a political party, and committees and subcommittees which it controls, shall not make expenditures during the five months prior to a statewide election aggregating more than one cent (\$0.01) multiplied by the voting age population and adjusted for cost of living changes. For purposes of this section, a county central committee is not a committee or subcommittee controlled by a state central committee.

85103. Except as provided in Sections 85102 or 85104, no independent committee shall make expenditures aggregating more than ten thousand dollars (\$10,000) during the five months preceding a statewide election in support of or in opposition to the candidate seeking a nomination or election to a single statewide elective office. Two or more independent committees which act jointly in making expenditures shall be considered a single independent committee for purposes of this chapter.

85104. Not less than sixty days prior to an election an independent committee may file with the Commission a statement of intent to make expenditures exceeding ten thousand dollars (\$10,000) in support of a statewide candidate. The Commission shall immediately notify all candidates for the nomination or office in question of the statement of intent and shall require the candidate being supported to file a verified statement of whether or not the committee is independent of him. The Commission shall approve the statement of intent not more than thirty-nine days prior to the election if it finds that the filer is a bona fide independent committee, that it is in good faith in supporting the candidate, and that it has the intention and ability to incur the expenditures. If the statement of intent is approved, the Commission shall notify each candidate for the nomination or office in question other than the candidate supported by the independent committee that the limits contained in Section 85100 may be increased by the amount in the statement of intent filed by the independent committee, except to the extent that statements of intent to make expenditures in support of such other candidates are also approved. The Commission shall not approve statements of intent for support of a candidate aggregating more than one cent (\$0.01) multiplied by the voting age population and adjusted for cost of living changes. If statements of intent exceeding this amount are submitted, the Commission shall apportion the expenditures among the independent committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85105. Expenditures incurred by an independent committee for communication directed to its own members or employees shall not be included within the limitations contained in Sections 85103 and 85104.

85106. If an expenditure is incurred in support of more than one candidate, the entire amount is charged to each candidate for purposes of Section 85100 and a proportionate amount is charged to each candidate for purposes of Sections 85103 and 85104.

85107. The provisions of Section 82025 to the contrary notwithstanding, for purposes of this chapter an expenditure is made during the five-month period before the election if either payment is made or the consideration is received during that period. However, if the consideration is received before the primary election and payment is made after the primary election, the expenditure shall be charged only to the primary election and not to the general election.

85108. Payments made for the purpose of registering voters or for bringing voters to the polling place are not expenditures within the meaning of this chapter. This section does not affect the duty to disclose such payments under Chapter 4 of this title.

#### Article 2. Circulation of Statewide Petitions

85200. No person shall incur any expenditure in furtherance of a circulation or qualification of a statewide petition without the express or implied authorization of the proponent. For purposes of this article, "expenditure" does not include:

(a) Unreimbursed expenses incurred by a circulator incidental to his circulation of the petition;

(b) Expenditures for advertising or speech regarding the measure unless the advertising or speech is directly incidental to circulation of the petition.

85201. Not more than twenty-five cents (\$0.25) multiplied by the number of signatures required for qualification, adjusted for cost of living changes, shall be spent in furtherance of the circulation or qualification of a statewide petition.

85202. In addition to other remedies and penalties, a court shall order the Secretary of State not to submit to the voters any measure which it is shown by clear and convincing evidence would not have qualified but for a violation of this article. The proponent of the measure shall be a party or real party in interest to any action brought under this section. Actions under this section may be initiated by the Commission or any voter. No judgment shall be issued under this section later than the day prior to the election. If a judgment against the proponent under this section is reversed after the election or after it is too late to submit the measure to the voters on the scheduled day of the election, the proposed measure will be deemed to have qualified on the day of the reversal of the judgment.

85203. Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear

on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer.

#### Article 3. Statewide Measures

85300. "Expenditures" as used in this article means expenditures to influence the action of the voters for or against the adoption of any state measure which has qualified to be placed on the ballot.

85301. No committee shall make expenditures with respect to any state measure in excess of ten thousand dollars (\$10,000) without complying with the requirements of this article. For purposes of this article, two or more committees which act jointly in making expenditures shall be deemed a single committee.

85302. Any committee which intends to make expenditures in excess of ten thousand dollars (\$10,000) with respect to any state measure shall, not later than twenty-eight days prior to the election, file a statement of intent with the Commission, which shall identify the measure and state whether the committee intends to support or oppose the measure and the amount the committee intends to spend. The Commission shall approve the statement of intent, subject to the limitations set forth in this article, if it finds that the committee is in good faith in supporting or opposing the measure and that it has the intention and ability to incur the expenditures. Not less than twenty-one days prior to the election the Commission shall notify each committee whose statement of intent has been approved of the limitation on expenditures that is applicable to the committee.

85303. Aggregate expenditures in support of or in opposition to a state measure shall not exceed the lower of the amounts set forth in subsection (a) or (b) of this section.

(a) Eight cents (\$0.08) multiplied by the voting age population, adjusted for cost of living changes.

(b) Five hundred thousand dollars (\$500,000) plus the aggregate amount set forth in the approved statements of intent filed by committees on the opposite side of the issue.

85304. If the aggregate amounts set forth in the approved statements of intent filed in support of or in opposition to a state measure exceed the limitations contained in Section 85303, the Commission shall apportion the permissible expenditures among the committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85305. Expenditures incurred by a committee for communication directed to its own members or employees shall not be included within the limitations imposed by this article.

### CHAPTER 6. LOBBYISTS

#### Article 1. Registration and Reporting

86100. Any person employed or retained as a lobbyist shall register with the Secretary of State before doing anything to influence legislative or administrative action.

86101. Each lobbyist shall register by filing with the Secretary of State a recent 3-inch by 4-inch black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement containing:

(a) His full name, business address, and telephone number;

(b) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the term of his employment or contract if known;

(c) A listing of each state agency whose administrative actions he will attempt to influence as a substantial or regular portion of his activities as a lobbyist; and

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86102. Each registered lobbyist shall renew his registration by filing a new photograph, authorization and registration statement within twenty days after the opening of each regular session of the Legislature.

86103. If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed within twenty days after the change. Each registered lobbyist shall file a notice of termination within thirty days after he ceases the activity which required his registration. He shall remain subject to Sections 86202 and 86203 for six months after filing his notice of termination.

86104. All information listed on any registration statement and on any amendment, renewal or notice of termination shall be printed in the journals of the Senate and Assembly within thirty days after filing. Within one hundred twenty days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered lobbyists. He shall publish, from time to time, such supplements to the directory as may be necessary.

86105. Every lobbyist who incurs expenses or expects to incur expenses in connection with his activities as a lobbyist shall establish one or more accounts, each of which shall be designated by a name. All payments received by a lobbyist for the purpose of paying expenses incurred by him in connection with his activities as a lobbyist shall be deposited without delay into his account. A lobbyist may deposit other funds, including his own personal funds, into his account.

86106. (a) Except as provided in subsection (b) of this section, no person shall pay any expense incurred by a lobbyist in connection with his activities as a lobbyist unless such payment is made directly from the lobbyist's account. Any lobbyist who makes a gift to an elected state official, a legislative official or an agency official is deemed to be acting in connection with his activities as a lobbyist.

(b) The Commission shall promulgate regulations permitting the use of cash which has been withdrawn from a lobbyist's account to defray petty cash items.

86107. Every lobbyist shall file periodic reports containing:

(a) The monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(b) With respect to each account controlled by the lobbyist at any time during the period covered by the report:

- (1) The name of the account;
- (2) The amount deposited in the account during the period;
- (3) The full name and address of each person who is the source of any amounts deposited into the account, together with the amount attributable to each source;
- (4) The date and amount of each disbursement from the account during the period, together with the full name and address of the payee, a specific description of the consideration, if any, for which the disbursement was made and the full name and address or official position of the beneficiary if the beneficiary is other than the payee or the lobbyist. In the case of disbursements for gifts of food and beverages the full name of the person and the official position, if any, who received the food and beverages, and the amount paid for each person shall be stated. In the case of any disbursement which covers more than one item, all information shall be shown that would be required if a separate disbursement had been made for each item. The Commission may by regulation provide for the reporting of overhead expenditures without detailed itemization; and

(5) The cash balance of the account at the beginning and end of the period covered by the report;

(c) With respect to any expenses in furtherance of his activities as a lobbyist which, pursuant to Section 86106(b), are not made directly from an account, such information as regulations of the Commission shall require;

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged;

(e) The name and address of any business entity in which the lobbyist knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer or manager, or has more than a fifty percent ownership interest, with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of such exchanges is five hundred dollars (\$500) or more in a calendar year;

(f) A specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence, and the agencies involved, if any;

(g) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86108. Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86109:

(a) Any person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of two hundred fifty dollars (\$250) or more in value in any month, unless all of the payments are of the type described in Section 82045(c).

86109. Every person described in Section 86108 shall file periodic reports containing:

(a) The name, business address and telephone number of the person making the report;

(b) Information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of his employer, if any, or his principal place of business if he is self-employed, and a description of the business activity in which he or his employer is engaged;

(2) If the filer is a business entity, a description of the business activity in which it is engaged;

(3) If the filer is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has no more than fifty members, the names of the members; and

(4) If the filer is not an individual, business entity or industry, trade or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

The information required by this subsection (b) need be stated only in the first report filed during a calendar year, except to reflect changes in the information previously reported.

(c) The total amount of payments to influence legislative and administrative action during the period, and the name and address of each person to whom such payments in an aggregate value of twenty-five dollars (\$25) or more have been made during the period by the filer, together with the date, amount, and a description of the consideration received for each such expenditure, and the name of the beneficiary of each expenditure if other than the filer or the payee.

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the filer has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged, if the fair market value of either side of the exchange exceeded one thousand dollars (\$1,000);

(e) The name and address of any business entity in which the person making the report knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer, manager, or has more than a fifty percent ownership interest, with whom the person making the report has engaged in an exchange or exchanges of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged, if the total value of such exchanges is one thousand dollars (\$1,000) or more in a calendar year;

(f) The date and amount of each contribution made by the filer and the name of the recipient of each contribution;

(g) A specific description of legislative or administrative action which the person making the report has attempted to influence;

(h) The name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount which was paid for specific purposes, including salary, fees, general expenses and any special expenses;

(i) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86110. Reports required by Sections 86107 and 86109 shall be filed during the month following each month during any part of which the Legislature was in session and during the month following each calendar quarter. The period covered shall be from the beginning of the calendar year through the last day of the month prior to the month during which the report is filed, except that the period covered shall not include any months covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date.

86111. All information contained in reports filed pursuant to this article shall be printed in a supplement to the Senate and Assembly journals within ninety days after they are filed.

## Article 2. Prohibitions

86200. "Contribution" as used in this article means a contribution made to a state candidate, a committee supporting a state candidate, or an elected state officer.

86201. "Gift" as used in this article means a gift made directly or indirectly to a state candidate, an elected state officer, a legislative official or an agency official.

86202. It shall be unlawful for a lobbyist to make a contribution, or to act as an agent or intermediary in the making of any contribution, or to arrange for the making of any contribution by himself or by any other person.

86203. It shall be unlawful for a lobbyist to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

86204. It shall be unlawful for any person knowingly to receive any contribution or gift which is made unlawful by Section 86202 or 86203.

86205. No lobbyist shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to him or to his employer;

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

(e) Represent falsely either directly or indirectly, that he can control the official action of any elected state officer, legislative official, or agency official;

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

## Article 3. Exemptions

86300. The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment;

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

## CHAPTER 7. CONFLICTS OF INTEREST

### Article 1. General Prohibition

87100. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

87101. Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

87102. The requirements of Section 87100 are in addition to the requirements of Articles 2 and 3 of this chapter and any Conflict of Interest Code adopted thereunder. No provision of Chapter 11 of this title is applicable to this article except the provisions of Section 91003. The remedies provided in that section may be sought against any public official other than an elected state officer, and those remedies are the exclusive remedies for a violation or threatened violation of Section 87100.

87103. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, by any business entity controlled by the public official or by a trust in which he has a substantial interest. A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than fifty percent of the ownership interest in the entity. A public official has a substantial interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

### Article 2. Disclosure

87200. This article is applicable to elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, and to candidates for any of these offices at any election.

87201. Every candidate for an office specified in Section 87200 shall file with his declaration of candidacy a statement disclosing his investments and his interests in real property.

87202. Every person who is elected to an office specified in Section 87200 shall, within thirty days after assuming such office, file a statement disclosing his investments and his interests in real property. Every person who is appointed to an office specified in Section 87200 shall file such a statement not less than ten days prior to assuming office. Persons who hold an office mentioned in Section 87200 on the effective date of this article shall file such a statement within thirty days after the effective date of this article.

87203. Every person who holds an office specified in Section 87200 shall, within thirty days after each anniversary of assuming office, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87204. Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87205. (a) For purposes of determining the anniversary of assuming an office, the date on which the term of office began is deemed the date of assuming office, whether or not the person holding the office actually assumed the office on that date.

(b) A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office. The day on which the new term begins shall be deemed an anniversary of assuming the office.

87206. When an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

(a) A statement of the nature of the investment or interest;

(b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(c) The address or other precise location of the real property;

(d) A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer;

(e) In the case of an investment which constitutes fifty percent or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity;

(f) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

87207. (a) When income is required to be reported under this article, the statement shall contain, except as provided in subsections (b) and (c):

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received.

(b) When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

### Article 3. Conflict of Interest Codes

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87301. It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(b) Requirements that each designated employee file annual statements disclosing reportable investments, interests in real property and income. The Conflict of Interest Code shall set forth for each position or category of positions enumerated under subsection (a) of this section the specific types of investments, interests in real property and income which are reportable and the manner of reporting each item. An investment, interest in real property or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his position. The manner of reporting reportable items shall be substantially equivalent to the requirements of Article 2 of this chapter. The first statement filed under this section by a designated employee shall disclose any reportable investments and interests in real property. Statements shall be filed by each designated employee within thirty days after the effective date of the Conflict of Interest Code. Thereafter, new civil service designated employees shall file statements within thirty days after assuming office. All other new designated employees shall file statements not less than ten days before assuming office.

or, if subject to confirmation, ten days before being confirmed, unless an earlier assumption of office is required by emergency circumstances. The provisions of the Conflict of Interest Code adopted under this subsection shall not be applicable to any designated employee who is covered by Article 2 of this chapter.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making or participating in the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not legally be acted upon or decided without his participation.

87303. No Conflict of Interest Code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed Conflict of Interest Code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for any agency in existence on April 1, 1975, shall not be earlier than April 1, 1976. The deadline for any agency not in existence on April 1, 1975, shall be six months after it comes into existence. Within ninety days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall:

- (a) Approve the proposed code as submitted;
- (b) Revise the proposed code and approve it as revised; or
- (c) Return the proposed code to the agency for revision and resubmission within sixty days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed Conflict of Interest Code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

87304. If any agency fails to submit a proposed Conflict of Interest Code or amendments within the time limits prescribed pursuant to Sections 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a Conflict of Interest Code for the agency.

87305. If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

87306. Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to Section 87302 (a) and relevant changes in the duties assigned to existing positions. Proposals for amendments or revisions shall be submitted to the code reviewing body within ninety days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of such changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

87307. An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

87308. Judicial review of any action of a code reviewing body under this chapter may be sought by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

87309. No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

- (a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- (b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or
- (c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

87310. If the duties of a designated employee are so broad or indefinable that the requirements of Section 87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

87311. The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

87312. The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may

include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

## CHAPTER 8. BALLOT PAMPHLET

88000. There shall be a state ballot pamphlet which shall be prepared by the Secretary of State.

88001. The ballot pamphlet shall contain

- (a) A complete copy of each state measure;
- (b) A copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by each state measure.
- (c) A copy of the arguments and rebuttals for and against each state measure.
- (d) A copy of the analysis of each state measure.
- (e) Tables of contents, indexes, art work, graphics and other materials which the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(a) Upon the top portion of the first page and not exceeding one-third of the page shall appear:

- (i) The identification of the measure by number and title.
- (ii) The official summary prepared by the Attorney General.
- (iii) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(b) Upon the lower portion of the first left page and upon the top half of the right page, if necessary, shall appear the analysis prepared by the legislative analyst.

(c) If arguments for and against the measure have been submitted, then the text of the measure shall appear on the right page facing the analysis. If the text does not fit on this page, it shall be continued in the back of the pamphlet. Arguments for and against the measure shall be placed on the next left and right pages respectively. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis. The text of the measure shall be printed in the back of the pamphlet.

(e) The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

88003. The legislative analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The legislative analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The legislative analyst may also request the assistance of any state department, agency, or official in preparing his analysis. The title of the measure which appears on the ballot shall be amended to contain a summary of the legislative analyst's estimate of the net state and local government financial impact.

88004. Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

88005. The ballot pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 8<sup>1</sup>/<sub>2</sub> x 11 inches in size;

(b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type;

(c) It shall be printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters;

(d) The pamphlet shall contain a certificate of correctness by the Secretary of State.

88005.5. The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

88006. Not less than twenty days before he submits the copy for the ballot pamphlet to the state printer, the Secretary of State shall make such copy available for public examination. Any voter may seek a writ of mandate requiring any such copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as



the respondent and the state printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the state printer shall be named as the respondent.

89007. Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

#### CHAPTER 9. INCUMBENCY

89000. Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent.

89001. No legislative newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office.

#### CHAPTER 10. AUDITING

90000. Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to reports and statements filed with the Secretary of State under Chapters 4 and 6 of this title.

90001. Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

(a) Each lobbyist required to register or file with the Secretary of State;

(b) Each candidate who has received more than fifteen percent of the total vote cast for the office for which he was running in either a general or special election;

(c) Each candidate running in a primary, general, or special election for whom the Franchise Tax Board determines more than twenty-five thousand dollars (\$25,000) of expenditures have been made, whether by the candidate or by a committee or committees supporting his candidacy;

(d) Each committee, other than a committee defined in Section 82013 (c), supporting one or more such candidates, insofar as its reports and statements relate to the support of such candidates;

(e) Each committee, other than a committee defined in Section 82013 (c), which is required to register or file reports or statements with the Secretary of State, and which the Franchise Tax Board determines has spent more than ten thousand dollars (\$10,000) during any calendar year.

90002. (a) Audits and investigations of all lobbyists shall be performed annually and shall cover all reports and statements filed since the previous audit and investigation.

(b) No audit or investigation of any candidate or committee in connection with a report or statement required by Chapter 4 of this title, other than a report or statement required by Section 84206, shall begin until after the last date for filing the first report or statement following the general or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated. When the campaign statements of a candidate or a committee supporting a candidate are audited and investigated, the audit and investigation shall cover all campaign statements filed in connection with the primary and general or special elections and any previous campaign statement filed pursuant to Section 84206 since the last campaign statement filed in connection with an election.

(c) The Franchise Tax Board shall determine from its audit and investigation if there is probable cause to believe that any candidate, committee or proponent of a state measure has exceeded the limitations provisions of Chapter 5. Any such finding shall be reported to the Commission and the Attorney General.

90003. In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the Commission may make investigations and audits with respect to any reports or statements required by Chapters 4 or 6 of this title.

90004. The Franchise Tax Board shall periodically prepare reports which shall be sent to the Commission and the Attorney General. The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed.

90005. No member, employee or agent of the Franchise Tax Board shall divulge or make known in any manner any particulars of any record, documents, or information which he receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or in connection with any court proceeding or any lawful investigation of any agency.

90006. Audits and field investigations of candidates for Controller and member of the Board of Equalization and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.

#### CHAPTER 11. ENFORCEMENT

91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within two years after the date on which the violation occurred.

91001. (a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The city and district attorneys of any city or county in which a violation occurs have concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the Commission with respect to the state or any state agency, the city attorney with respect to a city or city agency, and the district attorney with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction.

91002. No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

91003. (a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this title. The court may in its discretion require the plaintiff to file a complaint with the Commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney's fees.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

91003.5. Any person who violates a provision of Article 2 or 3 of Chapter 7 is subject to discipline by his agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

91004. Any person who intentionally or negligently violates any of the reporting requirements of this act shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

91005. (a) Any person who makes or receives a contribution, gift or expenditure in violation of Section 84300, 84304, 86202, 86203 or 86204, or makes an expenditure in violation of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee who realizes an economic benefit as a result of a violation of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

91006. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

91007. Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond within forty days after receipt of the request, indicating whether he intends to file a civil action. If the civil prosecutor indicates in the affirmative, and files suit within forty days thereafter, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91008.

91008. Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

91009. In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

91010. No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 of this title until the time when an audit and investigation could be begun under Section 90002 (b).

91011. No action shall be filed under Sections 91004 or 91005 more than two years after the first day on which a request to the civil prosecutor could be filed.

91012. The court may award to a plaintiff or defendant other than an

agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

91013. If any person files a statement or report, or a copy of a statement or report, after any deadline imposed by this act, he shall, in addition to any other penalties or remedies established by this act, be liable to the filing officer or other officer with whom the copy is required to be filed for the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed. The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

91014. Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

SECTION 2: Chapter 1 (commencing with Section 11500) of Division 8 of the Elections Code is repealed.

#### CHAPTER 1. EXPENDITURES FOR CANDIDATES

##### Article 1. Definitions

11500. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

11501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

11502. "Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.

11503. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of a committee showing under each of the subdivisions of Section 11504:

(a) In detail all moneys paid, loaned, contributed, or otherwise furnished, directly or indirectly, to the candidate or treasurer or for use of the candidate or treasurer in aid of the candidate's nomination or election.

(b) All money contributed, loaned, or expended, directly or indirectly, by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election.

(c) The names of all persons who paid, loaned, contributed, or otherwise furnished such money in aid of the candidate's nomination or election.

(d) The names of all persons to whom such money was contributed, loaned or paid.

(e) The specific nature of each item.

(f) The service performed and by whom any services were performed.

(g) The purpose for which the money was expended, contributed or loaned.

11504. Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.

(b) For the personal traveling expenses of the candidate and of campaign personnel.

(c) For rent, furnishing and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone.

(d) For payment of the following personnel:

1. Campaign managers.

2. Advertising agencies and publicity agents.

3. Stenographers and clerks.

4. Precinct workers.

5. Speakers.

6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.

(g) For newspaper advertising.

(h) For radio and television advertising and speech time.

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.

(j) For making canvasses of voters and public opinion surveys.

(k) For conveying voters to and from the polls.

(l) For supervising the registration of voters.

(m) For watching the polling and counting of votes cast.

(n) For photographs, mats, cuts, art work, and displays.

(o) For petty cash items relative to candidacy.

##### Article 2. Committees

11530. Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same

manner and on the same type of forms as required of candidates, file a campaign statement. The county clerk, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

11531. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

##### Article 3. Campaign Statements

11560. Except as provided in Section 11561, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be.

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

11561. A candidate or nominee for a municipal office or for election to the governing body of a district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars (\$200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars (\$200).

11562. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it.

11563. All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs.

11564. Candidates for office to be filled by the voters of the state or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, except municipal offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

Notwithstanding any provision of law to the contrary, the treasurer of the state central committee of each political party shall file a campaign statement only in the office of the Secretary of State.

11565. No officer shall issue any certificate of nomination or election to any person until his campaign statement or the written declaration required in Section 11561 has been filed. No other statement of expenses shall be required. The officer with whom campaign statements or written declarations must be filed pursuant to Sections 11564, 11568, or 11569 shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement.

11566. No fee or charge shall be made or collected by any officer for the verifying, filing, or recording of any campaign statement.

11567. Campaign statements shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. Thereafter they may be destroyed by that officer.

11568. Candidates for municipal offices and treasurers of committees for those candidates shall file their campaign statements, or written declarations as required in Section 11561, in the office of the clerk of the city in which the election is held.

##### Article 4. Lawful Expenses

11590. Neither a candidate nor committee nor any body of superior authority to which the committee is subject, whether before, during or after an election or primary, may directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses.

11591. No payment of money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, for holding a meeting, for the purpose of promoting the election or nomination of a candidate, or on account of or in respect to the conduct or management of an election, where alcoholic beverages are sold for consumption on the premises or are supplied to members of any club, society or association.

Nothing in this section applies to any part of the premises which is ordinarily let for the purposes of offices or for holding public meetings, if that part has a separate entrance and no direct communication with any part of the premises on which any alcoholic beverages are sold or supplied.

11592. Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher.

No payment therefor shall be made or allowed unless the name and address is so printed.

## Article 5. Presentment and Payment of Claims

11620. Every claim payable by a committee on account of or in respect to any expense incurred in the conduct and management of an election held within this State or on behalf of the candidates of the political party, organized assemblage, or body which the committee represents shall be presented to the committee within 15 days after the election. If not so presented, the claim shall not be paid, and no action shall be commenced or maintained on it.

11621. All expenses incurred by and properly presented to a committee shall be paid within 25 days after the election and not otherwise.

11622. Every claim for expenses incurred by or on behalf of a candidate for the conduct or management of an election held within this State shall be presented to the candidate within 10 days after the day of election. If not so presented the claim shall not be paid, and no action shall be commenced or maintained on it.

11623. All expenses incurred by and properly presented to a candidate shall be paid within 25 days after the day of election and not otherwise.

11624. Any person who makes a payment in contravention of this article is guilty of a misdemeanor.

11625. The superior court of the county in which a campaign statement is filed or is required to be filed may, on the completion of proper proceedings by either the committee or candidate or a creditor of either, allow:

(a) A campaign statement to be filed after the time limits specified in this chapter.

(b) An incorrect campaign statement to be corrected.

(c) Any claim to be presented and paid after the time limits prescribed by this article.

11626. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid. A creditor is entitled to his costs.

11627. The claims of one or more creditors may be united in the same application, but the amount and specific nature of each claim shall be fully stated.

11628. A person may obtain from the superior court the relief specified in Section 11625 if he shows by competent evidence that the failure to comply with this article was occasioned not by any want of good faith on the part of the applicant but by:

(a) The absence, illness or death of the candidate.

(b) The absence, illness or death of the treasurer of the campaign committee.

(c) The misconduct of any person other than the applicant.

(d) Inadvertence or excusable neglect.

(e) Any other reasonable cause.

11629. Proper proceedings, as used in this article, consist of:

(a) The filing of an application in the office of the clerk of the superior court showing facts sufficient to entitle the applicant to relief.

(b) Such notice of the application as the court may require.

(c) Satisfactory proof by competent evidence of the allegations of the application.

11630. An order of the superior court relieves the applicant from any liability or consequences under this chapter in respect of the matters excused by the order.

11631. After an order by a superior court allowing a claim to be paid, and after payment, the committee or candidate shall file in the same office as the original campaign statement of the committee or candidate was filed:

(a) An amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statement.

(b) A certificate of its allowance.

SECTION 3. Chapter 2 (commencing with Section 11800) of Division 8 of the Elections Code is repealed.

## CHAPTER 2. EXPENDITURE MADE FOR OR AGAINST MEASURES

### Article 1. Definitions

11800. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

Notwithstanding Section 42, the word "measure," as used in this chapter, is defined as any constitutional amendment or other proposition submitted to a popular vote at any election, including any initiative, referendum or recall petition, whether or not it qualifies for the ballot.

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the circulation or adoption of any measure voted upon at a statewide, county, district, or municipal election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars (\$1,000).

(b) Expends more than one thousand dollars (\$1,000) of its own money or funds.

11802. "Expenses" means the cost of:

(a) Securing signatures to initiative, referendum or recall petitions.

(b) Circulating initiative, referendum or recall petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

(h) Telegraphing.

(i) Telephoning.

(j) All salaries and expenses of:

(1) Campaign managers.

(2) Lecturers.

(3) Solicitors.

(4) Agents.

(5) All persons employed in transacting business at headquarters or branch offices.

(k) Maintaining headquarters and branch offices.

(l) Renting of rooms for the transaction of the business of an association.

11803. "Treasurer" means the treasurer, manager, secretary, agent, board of trustees, board of directors or other person who is charged with, or assumes, as the sole member of the association, the work, duty, or responsibility of collecting, managing or expending the funds of an association.

### Article 2. Filing of Statements

11820. Not later than 35 days after a measure has been qualified for the ballot by the Secretary of State, the proponents shall, under penalty of perjury, file a statement of receipts and expenses as defined in this chapter.

11820. Not more than 45 days nor less than 40 days prior to an election, every association shall file a statement of receipts and expenses.

11821. Every statement of receipts and expenses required to be filed under this article shall be itemized, detailed, and verified. Statements relating to measures voted on at statewide elections shall be filed, in triplicate, in the office of the Secretary of State; statements relating to measures voted on at county elections shall be filed in the office of the county clerk of the county where the election is held; and statements relating to measures voted on at municipal elections shall be filed in the office of the city clerk of the city where the election is held.

As used in this section "county clerk" does not mean registrar of voters.

Blank forms for the preparation of statements relating to measures to be voted on at statewide, county, and municipal elections shall be furnished by the Secretary of State, the county clerk, and the city clerk, respectively.

11822. Every statement of receipts and expenses required to be filed under this article shall show:

(a) The name and address of the association and its treasurer.

(b) The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to the association filing the statement or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars (\$25) or more and the amount or sum contributed, promised, loaned or advanced by each.

(c) The total sum contributed, promised, loaned or advanced directly or indirectly in amounts of less than twenty-five dollars (\$25) to the filing association or for its use.

(d) The total sum contributed, promised, loaned or advanced by the filing association from its own funds or money, or contributed, promised, loaned or advanced directly or indirectly from all sources, regardless of the amount of single or individual contributions or for the use of the filing association.

(e) The name and address of each person, firm or corporation to whom or to which the association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars (\$10) or more and in the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

(f) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars (\$10) each.

(g) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

11823. Not more than 12 nor less than seven days prior to an election, every association or the treasurer of every association shall file a statement of receipts and expenses;

(a) Showing, as of the date of filing, all information not included in the previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

11824. Within 30 days next succeeding the date of the election, each association or the treasurer of each association shall file a statement of receipts and expenses.

(a) Showing, as of the date of filing, all information not included in either previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

11835. If any petition does not qualify for the ballot, the association circulating that petition shall file a statement of receipts and expenses within 35 days after the final deadline for circulating the petition.

#### Article 2. Disposition of Statements by Secretary of State

11860. Upon the filing in triplicate of the respective statements required by this chapter to be filed with the office of the Secretary of State, the Secretary of State shall forthwith transmit one of the triplicate copies to the county clerk of Los Angeles County and one of the triplicate copies to the county clerk of the City and County of San Francisco.

As used in this section "county clerk" does not mean registrar of voters.

11861. The Secretary of State shall furnish like copies of the statements required by this chapter to be filed with the office of the Secretary of State, to any other county clerk upon demand.

11862. The copies of statements furnished to county clerks as provided in this article and the statements required to be filed under this chapter shall be kept on file and shall be open to public inspection.

#### Article 4. Civil Penalties

11890. In addition to any other penalties prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent of an association that violates any provision of this chapter is liable to a penalty of one thousand dollars (\$1,000) to be recovered in a civil action brought by any citizen of the State.

11891. Not more than one civil penalty may be recovered for a single offense.

11892. No statute of limitations applies to the bringing of an action under this article.

SECTION 4. Section 12053 of the Elections Code is repealed.

12053. Every person is guilty of a misdemeanor who violates any of the provisions of Chapter 1 (commencing at Section 11500) of this division.

SECTION 5. Division 4.5 (commencing with Section 3600) of Title 1 of the Government Code is repealed.

### DIVISION 4.5. CONFLICTS OF INTEREST

#### CHAPTER 1. GENERAL PROVISIONS

3600. The Legislature finds and declares as follows:

(a) The people have a right to expect from their elected and appointed representatives at all levels of government assurances of the utmost in integrity, honesty and fairness in their dealings;

(b) The people further have a right to be assured to the fullest extent possible that the private financial dealings of their governmental representatives, and of candidates for those offices, present no conflict of interest between the public trust and private gain; and

(c) The representative form of government is founded upon a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings; provided those officials deal honestly and fairly with the people.

To these ends, the Legislature enacts this division: The Legislature hereby intends to sustain, to the extent necessary, public confidence in government at all levels, by assuring the people of the impartiality and honesty of their officials in all governmental transactions and decisions.

The provisions of this division are to be construed liberally, to the end that the public interest be fully protected.

3601. As used in this division, the term "public agency" means the state, a city, a county, a city and county, or a district, or any subdivision, department, board, commission, body or agency of the foregoing; and includes any public corporation or public authority. The term "public agency" does not include a commission or board the functions of which are purely advisory in nature.

3602. As used in this division, the term "corporation" does not include a charitable corporation which qualifies for exemption from the corporation tax under Section 23701d of the Revenue and Taxation Code.

3603. As used in this division, the term "investments" means real property held for income or gain, and does not include a home or property used primarily for personal or recreational purposes.

3604. As used in this division, the term "ownership of shares" and the term "investments," respectively, include shares and investments owned by either spouse or by a minor child thereof, by a corporation in which the ownership of shares exceeds 25 percent, or by a trust under which either spouse, or a minor child thereof, is trustee if the trust is revocable, is a beneficiary, or holds a reversionary interest.

3605. As used in this division, "public officer" means a Member of the Legislature, a Secretary of the Governor, the Chief Clerk and the Sergeant at Arms of the Assembly, the Secretary and the Sergeant at Arms of the Senate, an administrative aide or committee consultant of the Legislature, a constitutional officer, and any other officer of a public agency; and includes civil servants in a public agency who are classified as career executives, and the appointive or civil servant employee of the highest class or grade in each department, bureau, division, or other administrative subdivision of a public agency, as defined in regulations adopted by the public agency, but does not include other civil servants in a public agency.

3606. As used in this division, the term "business entity" includes any partnership, joint venture, sole proprietorship or any other corporate or noncorporate enterprise, other than a charitable corporation described in Section 3602.

3607. To the extent that any provision of this division imposes stricter limitations on the disclosure of ownership of shares in a corporation; or the disclosure of political contributions, than provided elsewhere with regard to particular public offices or public agencies, the provisions of this division shall prevail.

To the extent that any other provision of law imposes stricter limitations on the disclosure of ownership of shares in a corporation; or the disclosure of political contributions, with regard to particular public offices or public agencies, than provided in this division, such provision of law shall prevail.

#### CHAPTER 2. DISCLOSURE OF FINANCIAL INTERESTS

3700. Prior to the 15th of April of each year, every public officer shall file, as a public record, a statement describing the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, which is subject to regulation by any state or local public agency, if such investment is in excess of ten thousand dollars (\$10,000) in value at the time of the statement.

3701. Any person who filed a statement under Section 3700 in the preceding year may comply with the requirements of Section 3700 by filing a supplemental statement listing only the changes in the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, or stating that no changes occurred if such is the case.

3702. Each candidate as defined in Section 3753 for state or local public office, within 10 days after he files his declaration of candidacy or declaration of acceptance, shall file, as a public record, a statement identical to the statement required by Section 3700.

3703. Candidates and elected officials required to file statements under this chapter shall file in the same place specified in Section 6550 of the Elections Code for the filing of nomination papers. Other state officials and employees required to file statements under this chapter shall file with the Secretary of State. Other local officials and employees required to file statements under this chapter shall file with the county clerk in the county in which they reside.

3704. Any person who violates a provision of this chapter is guilty of a misdemeanor, and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

#### CHAPTER 2. POLITICAL CONTRIBUTIONS

3750. Each candidate for state or local public office, and each political committee supporting such candidate, shall file, as a public record, two cumulative statements naming each person or organization from whom a contribution or contributions have been received that total more than five hundred dollars (\$500) and that have been or may be expended on behalf of his campaign, together with the specific amounts contributed by each person or organization.

Statements for candidates for state office shall be filed with the Secretary of State, and statements for candidates for local office shall be filed with the county clerk of the county in which the candidate resides.

3751. Statements required under Section 3750 shall be filed at the following times:

(a) Between 20 and 25 days prior to the election.

(b) Between 30 and 35 days after the election.

3752. A statement required under subdivision (b) of Section 3751 may be combined with a campaign statement as defined in Section 11503 of the Elections Code.

3753. As used in this chapter:

(a) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. The term "contribution" includes the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer.

(b) The term "expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value; and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

The term "political committee" does not include any committee formed by a business corporation or enterprise, or group of business corporations or enterprises, which regularly solicits political contributions from officers or employees and which makes such contributions available to political candidates on a bipartisan basis, provided that the amounts contributed by it to each political candidate shall be set forth by the candidate in his statements required under Section 3751.

(d) The term "candidate" means any person who seeks nomination or election to a state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

3751. Any person who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

SECTION 6. Sections 3566, 3566.3, 3568, 3569, 3570, 3571 and 3572 of the Elections Code are repealed.

3566. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Counsel. The Legislative Counsel shall prepare an impartial analysis in general terms showing what effect a Yes and No vote will have on the measure and an impartial detailed analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis in general terms shall be printed in the first part of the ballot pamphlet between the ballot title and the arguments for and against the measure immediately following the number and title of each measure and shall be set clearly apart from the arguments for and against the measure and shall conclude with the statement for further details see below. The detailed analysis shall be printed in the ballot pamphlet between the general analysis and the arguments for and against the measure. The length of the general analysis shall not exceed 100 words. The length of the detailed analysis shall not exceed 500 words except with the approval of the State Board of Control.

3566.3. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Analyst. The Legislative Analyst shall prepare an impartial financial analysis of the measure, which shall include the amount of any increase or decrease in revenue and/or cost to state and/or local government. The analysis shall be made of the measure as it is proposed to be adopted, without further implementing legislation, unless such implementing legislation has been enacted and will become effective by reason of the adoption of the measure by the voters. The analysis shall fairly portray the fiscal effects of the measure for the first full year of implementation and the first year when the last provisions to be implemented are fully effective. The title of the measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact. The Legislative Analyst shall consult with the Director of Finance and the Chairmen of the Committees on Revenue and Taxation of the Senate and of the Assembly, or their designees, in preparing the financial analysis. For purposes of this section, any measure which has no provisions which are self-executing shall be deemed to have no financial effect, unless implementing legislation has been enacted which will become effective by reason of the adoption of the measure by the voters. The analysis shall be printed in the ballot pamphlet alongside the Legislative Counsel's detailed analysis and shall not exceed 750 words.

3568. The ballot pamphlets shall contain:

- (a) A complete copy of all measures submitted to the voters by:
  - (1) The Legislature.
  - (2) Initiative or referendum petition.
- (b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.
- (c) A copy of the arguments provided for by law.
- (d) The following statement on the front cover of the ballot pamphlet:

"Arguments in support or opposition of the proposed laws are the opinions of the authors".

(e) A copy of the analyses provided for in this chapter.

(f) The Legislative Counsel's Digest of all statutes which become effective upon approval by the voters of a proposed constitutional amendment, and in addition, a notification to voters that the

complete text of each bill is on record in the office of the Secretary of State in Sacramento and is also contained in the published statutes.

3569. The ballot pamphlets shall be printed in two parts, separately pagged and may be separately bound. The first part, which shall consist of the analyses of, and arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight/point type, indicated in boldface with respect to the analyses of the measures, shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

The following statement shall be printed on the front cover of the first part of the ballot pamphlet:

"Arguments in support or opposition of the proposed laws are the opinions of the authors".

The Legislative Counsel's Digests of all statutes which are to become operative upon approval of a constitutional amendment submitted by the Legislature shall also be a part of the first part of the ballot pamphlet. They shall be printed in the same manner as the analyses and arguments concerning measures on the ballot.

3570. The second part of the pamphlet shall be designated as the appendix, shall begin with page numbered one, shall be printed in eight/point type, and shall contain, in the same order and with the same numbers and ballot titles as provided in this chapter, the text, existing provisions of law affected, and all other matter connected with the proposed measures, except the arguments to be printed in the first part of the pamphlet. The provisions of law affected shall be distinguished in print, so as to facilitate comparison.

3571. All measures submitted to the voters shall be printed in the ballot pamphlets, so far as possible, in the same order, manner and form in which they are designated upon the ballot. The ballot titles shall be numbered consecutively and printed in the ballot pamphlets immediately prior to the particular measure to which each refers. There shall also be printed in the pamphlets the copy of the ballot title as it will appear on the ballots. The certification of the correctness of the pamphlet by the Secretary of State shall be printed therewith.

3572. The ballot pamphlet need not contain:

- (a) An index to the arguments;
- (b) An index to the measures;
- (c) A list of the ballot titles as they will appear on the ballot;
- (d) A recapitulation of amendments to the Constitution, new laws, and amendments to existing laws;
- (e) A summary of measures submitted to electors; or
- (f) A list showing the order of measures on the ballot and the page on which they appear in the pamphlet.

SECTION 7: Chapter 8 (commencing with Section 9900) of Part 1 of Division 2 of Title 2 of the Government Code is repealed.

## CHAPTER 8. REGULATION OF LEGISLATIVE REPRESENTATION

9900. When used in this chapter

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "committee" means the Joint Rules Committee.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

9901. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of

- (1) All contributions of any amount or of any value whatsoever;
- (2) The name and address of every person making any such contribution of one hundred dollars (\$100) or more and the date thereof;
- (3) All expenditures made by or on behalf of such organization or fund; and
- (4) The name and address of every person to whom any item of

expenditure exceeding twenty-five dollars (\$25) is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding twenty-five dollars (\$25) in amount; and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

9902. Every individual who receives a contribution of one hundred dollars (\$100) or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof including the name and address of the person making such contribution and the date on which received.

9903. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the committee between the 1st and 10th day of each calendar month succeeding a month during any part of which the Legislature was in session and at other times during the year between the 1st and 10th day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year; a statement containing complete as of the day next preceding the date of filing.

(1) The name and address of each person who has made a contribution of one hundred dollars (\$100) or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of one hundred dollars (\$100) or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of twenty-five dollars (\$25) or more has been made by or on behalf of such person; and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate; but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

9904. A statement required by this chapter to be filed with the committee

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the committee, Sacramento, California; but in the event it is not received, a duplicate of such statement shall be properly filed upon notice by the committee of its nonreceipt;

(b) Shall be preserved by the committee for a period of two years from the date of filing, shall constitute part of the public records of the committee, and shall be open to public inspection.

9905. The provisions of Sections 9901 to 9903, inclusive, shall apply to any person, except a political committee, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the committee and shall give to such committee a recent three-inch by four-inch black-and-white photograph of himself and, in writing and under oath, his full legal name and business address, the name and address of the person by whom he is employed; and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the committee a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the

information and authorization required by this subdivision (a); unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the committee a detailed report under oath of all money received and each expenditure of twenty-five dollars (\$25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his official capacity; nor to any elected public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments; or paid advertisements, which directly or indirectly urge the passage or defeat of legislation; if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation; other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the committee and not previously published shall be compiled by the committee as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the journal of the house of the chairman of the committee within the week immediately preceding final adjournment at each regular session.

(d) In addition to the requirements of subdivision (a); no person subject to that subdivision shall attempt to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California; unless he shall have received the certificate of registration provided for by subdivision 1 of Section 9909.

9906.05. Registration within 30 days immediately preceding a regular session of the Legislature shall be deemed a registration at that regular session as required by Section 9906.

9906.1. If any person registered or required to be registered under Section 9906 hereof employs or requests, recommends, or causes his employer to employ, and such employer does employ, any Member of the Legislature, or any attache of the Legislature, or any full-time state employee, in any capacity whatsoever, he shall file a statement under oath with the same officers with whom he registered under Section 9906, setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. If the Legislature is in session at the time of such employment, the statement shall be filed within five days after such employment, and if the Legislature is not in session, it shall be filed within 10 days after the convening of the next session of the Legislature.

9906.2. It shall be unlawful for any person to employ for pay or any consideration; or pay or agree to pay any consideration to; a person to engage in activities for the purpose of influencing the passage or defeat of any legislation or the approval or veto of any legislation who is not registered under Section 9906 except upon condition that such person register forthwith.

9906.5. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the passage or defeat of any legislation; or the approval or veto of any legislation by the Governor of California. No person shall agree or undertake to promote, advocate, oppose or influence legislation or to communicate with Members of the Legislature, or to advocate approval or veto by the Governor of California for a consideration to be paid upon the contingency that any legislation is passed or is defeated.

9907. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

9908. (a) Any person who violates any of the provisions of the foregoing sections of this chapter, and any person who wilfully files any document provided for in this chapter that contains any materially false statement or material omission; or any person who wilfully omits to comply with any material requirement of the foregoing sections of this chapter, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months; or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

9900. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through an appropriately established joint committee or individual committees thereof, as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in Section 9906 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9910 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9910 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have willfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 15 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Section 9054 or 9056 of this code or of related provisions of law.

8. In addition to any other powers conferred by this section the appropriately established committees may revoke the certificate of registration required by subdivision (d) of Section 9906 for failure to file the reports required by subdivision (b) of Section 9906, except that no certificate shall be revoked within 90 days of a failure to file such a report, for failure to file such report, if, prior to the last day for filing such reports, the appropriately established committee has been informed, in writing, of extenuating circumstances justifying such failure.

9910. A legislative advocate has the following obligation, violation of which constitutes cause for revocation or suspension of a certificate of registration, but shall not unless otherwise provided by law subject a legislative advocate to any other civil or criminal liability:

1. Not to engage in any activity as a legislative advocate unless he be registered as a legislative advocate, and not to accept compensation for acting as a legislative advocate except upon condition that he forthwith register as a legislative advocate.

2. To abstain from doing any act with the express purpose and intent of placing any Member of the Legislature under personal obligation to him or to his employer.

3. Never to deceive or attempt to deceive any Member of the Legislature of any material fact pertinent to any pending or proposed legislation.

4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

5. To abstain from soliciting any employment as a legislative advocate except on the basis of his experience, or knowledge of the business or field of activity in which his proposed employer is engaged or is interested.

6. To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any legislative proposal or to cause any communication to be sent to any Member of the Legislature, the Lieutenant Governor, or the Governor, in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

7. Not to encourage the activities of or to have any business dealings relating to legislation or the Legislature with any person whose registration to act as a legislative advocate has been suspended or revoked.

8. Not to represent, either directly or indirectly, through word of mouth or otherwise, that he can control or obtain the vote or action of any Member or committee of the Legislature, or the approval or veto of any legislation by the Governor of California.

9. Not to represent an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

10. To retain all books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of two years.

9911. For the purposes of Sections 9900 and 9910, the term "legislative advocate" includes any person registered or required to be registered under Section 9906.