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TITLE 9. POLITICAL REFORM [81000 - 91014] (Title 9 added June 4, 1974, by initiative Proposition 9.)

CHAPTER 6. Lobbyists [86100 - 86300] (Chapter 6 added June 4, 1974, by initiative Proposition 9.)

ARTICLE 1. Registration and Reporting [86100 - 86119] (Article 1 repealed and added by Stats. 1985, Ch. 1183, Sec. 7.)

86100. (a) The following persons shall register with the Secretary of State:

- (1) Lobbying firms.
- (2) Lobbyist employers under subdivision (a) of Section 82039.5 who employ one or more in-house lobbyists.
- (3) Lobbying coalitions who employ at least one in-house lobbyist.

(b) Each individual lobbyist shall submit a lobbyist certification under Section 86103 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer, or employee, or as part of the registration of the lobbyist employer that employs the lobbyist.

(c) Lobbyist employers under subdivision (b) of Section 82039.5 who contract only for a lobbying firm's services, lobbying coalitions who contract for a lobbying firm's services and do not employ an in-house lobbyist, and persons described in subdivision (b) of Section 86115, are not required to register with the Secretary of State, but shall maintain records and file quarterly reports under this chapter.

(d) (1) Except as provided in paragraph (2), a registration statement shall be filed both by online or electronic means and physically, submitting the original statement in paper format.

- (2) Upon certification by the Secretary of State of an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602, a registration statement shall be filed by online or electronic means.

(Amended by Stats. 2022, Ch. 328, Sec. 3. (AB 2172) Effective January 1, 2023.)

86101. Every lobbying firm and lobbyist employer who is required to file a registration statement under this chapter shall register with the Secretary of State no later than 10 days after qualifying as a lobbying firm or lobbyist employer.

(Repealed and added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985.)

86102. (a) The Secretary of State shall charge each lobbying firm and lobbyist employer required to file a registration statement under this chapter a fee of fifty dollars (\$50) per year for each lobbyist required to be listed on its registration statement.

(b) One-half of the moneys collected pursuant to this section shall be deposited in the Political Disclosure, Accountability, Transparency, and Access Fund, and the other one-half of the moneys shall be deposited in the General Fund.

(Amended by Stats. 2012, Ch. 506, Sec. 3. (SB 1001) Effective January 1, 2013.)

86103. A lobbyist certification shall include all of the following:

- (a) A recent photograph of the lobbyist, the size of which shall be prescribed by the Secretary of State.
- (b) The full name, business address, and telephone number of the lobbyist.
- (c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.
- (d) (1) In the case of a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, a statement that the lobbyist has completed, within the previous 12 months or will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8956. If the lobbyist certification states that the lobbyist will

complete the course no later than June 30 of the following year, the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course no later than June 30 of the following year, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until the individual has completed the course and filed with the Secretary of State a lobbyist certification stating that the individual has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once that individual's conditional certification is void.

(2) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist's completion of the ethics course, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until that individual has completed the course and filed with the Secretary of State a lobbyist certification stating the individual has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once that individual's conditional certification is void.

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

(Amended (as amended by Stats. 1997, Ch. 574, Sec. 2) by Stats. 2021, Ch. 50, Sec. 178. (AB 378) Effective January 1, 2022. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86103. A lobbyist certification shall include all of the following:

- (a) A recent photograph of the lobbyist, in a size prescribed by the Secretary of State.
- (b) The lobbyist's full name, business address, email address, and telephone number.
- (c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.
- (d) A statement regarding the lobbyist's completion of the ethics course described in subdivision (b) of Section 8956 as follows:
 - (1) For a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, either of the following statements:
 - (A) That the lobbyist has completed the ethics course within the previous 12 months.
 - (B) That the lobbyist will complete the ethics course no later than June 30 of the following year, in which case the certification shall be accepted on a conditional basis.

(2) In the case of a new lobbyist certification, if the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete the course within 12 months. The lobbyist certification shall be accepted on a conditional basis.

(3) If a lobbyist certification is accepted on a conditional basis, the lobbyist shall timely complete the ethics course and file a new lobbyist certification to replace the conditional lobbyist certification. If the lobbyist fails to timely complete the ethics course, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist under this title until the individual completes the course and files a lobbyist certification stating the date of completion. It is a violation of this section for any individual to act as a lobbyist under this title once that individual's conditional certification is void.

(4) The date and confirmation that an individual has completed the ethics course may be transmitted to the Secretary of State by the legislative ethics committee.

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

(f) Registration fees required by Section 86102 shall be paid online at the time a lobbyist certification is submitted for registration to be active.

(Amended (as amended by Stats. 2018, Ch. 662, Sec. 31) by Stats. 2021, Ch. 50, Sec. 179. (AB 378) Effective January 1, 2022. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

86104. The registration of a lobbying firm shall include:

- (a) The full name, business address, and telephone number of the lobbying firm.

- (b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.
- (c) The lobbyist certification of each lobbyist in the lobbying firm.
- (d) For each person with whom the lobbying firm contracts to provide the following lobbying services:
 - (1) The full name, business address, and telephone number of the person.
 - (2) A written authorization signed by the person.
 - (3) The time period of the contract.
 - (4) Information sufficient to identify the nature and interests of the person including:
 - (A) If the person is an individual, the name and address of the person's employer, if any, or the person's principal place of business if the person is self-employed, and a description of the business activity in which the person or the person's employer is engaged.
 - (B) If the person is a business entity, a description of the business activity in which it is engaged.
 - (C) If the person is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.
 - (D) If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.
- (5) The lobbying interests of the person.
- (6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.
- (e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that such person has read and understands the prohibitions contained in Sections 86203 and 86205.
- (f) Any other information required by the commission consistent with the purposes and provisions of this chapter.

(Amended (as amended by Stats. 1987, Ch. 459, Sec. 1) by Stats. 2021, Ch. 50, Sec. 180. (AB 378) Effective January 1, 2022. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86104. The registration of a lobbying firm shall include:

- (a) The full name, business address, email address, and telephone number of the lobbying firm.
- (b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.
- (c) The lobbyist certification of each lobbyist in the lobbying firm.
- (d) The following information regarding each person with whom the lobbying firm contracts to provide lobbying services:
 - (1) The full name, business address, email address, and telephone number of the person.
 - (2) An authorization electronically confirmed by the person.
 - (3) The time period of the contract.
 - (4) Information sufficient to identify the nature and interests of the person including:
 - (A) For an individual, the name and address of the person's employer, if any, or if self-employed the person's principal place of business, and a description of the business activity in which the person or the person's employer is engaged.
 - (B) For a business entity, a description of the business activity in which it is engaged.
 - (C) For an industry, trade, or professional association, a description of the industry, trade, or profession it represents, including a specific description of any part or faction of the industry, trade, or profession the association exclusively or primarily represents and, if the association has 50 or fewer members, the names of the members.

(D) For other persons, 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 that the person principally represents or from which its membership or financial support is principally derived.

(5) The lobbying interests of the person.

(6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.

(e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that such person has read and understands the prohibitions contained in Sections 86203 and 86205.

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

(Amended (as amended by Stats. 2018, Ch. 662, Sec. 32) by Stats. 2021, Ch. 50, Sec. 181. (AB 378) Effective January 1, 2022. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

86105. The registration for a lobbyist employer that employs lobbyists or a lobbying coalition shall include:

(a) The following information regarding the lobbyist employer or coalition:

(1) The filer's full name, business address, email address, and telephone number.

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

(A) For an individual, the name and address of the filer's employer, if any, or if self-employed, the filer's principal place of business, and a description of the business activity in which the filer or the filer's employer is engaged.

(B) For a business entity, a description of the business activity in which it is engaged.

(C) For an industry, trade, or professional association, a description of the industry, trade, or profession it represents including a specific description of any part or faction of the industry, trade, or profession that the association exclusively or primarily represents and, if the association has 50 or fewer members, the names of the members.

(D) For other persons, 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 that the person principally represents or from which its membership or financial support is principally derived.

(3) The lobbying employer's or coalition's lobbying interests.

(4) A list of the state agencies whose legislative or administrative actions the lobbyist employer or coalition will attempt to influence.

(b) The lobbyist employer or coalition shall provide:

(1) A list of the lobbyists who are employed by the lobbyist employer or coalition.

(2) The lobbyist certification of each lobbyist employed.

(c) Any other information required by the Commission consistent with this chapter's purposes and provisions.

(Repealed and added by Stats. 2019, Ch. 312, Sec. 18. (AB 902) Effective January 1, 2020.)

86106. Each registered lobbying firm and lobbyist employer which will be conducting activities which require registration shall renew its registration by filing photographs of its lobbyists, authorizations, and a registration statement between November 1 and December 31, of each even-numbered year. Each lobbyist shall renew the lobbyist's own lobbyist certification in connection with the renewal of registration by the lobbyist's lobbying firm or employer.

(Amended by Stats. 2021, Ch. 50, Sec. 182. (AB 378) Effective January 1, 2022.)

86107. (a) If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed both by online or electronic means and physically, submitting the original one copy of the amendment, in paper format, with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm's attempting to influence any legislative or administrative action on behalf of that person. Lobbying firms and lobbyist employers that,

during a regular session of the Legislature, cease all activity that required registration shall file a notice of termination within 20 days after the cessation. Lobbying firms and lobbyist employers that, at the close of a regular session of the Legislature, cease all activity that required registration are not required to file a notice of termination.

(b) If any change occurs in any of the information contained in a lobbyist certification or if a lobbyist terminates all activity that required the certification, the lobbyist shall submit an amended certification or notice of termination to the lobbyist's lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification is not required to file a notice of termination.

(c) Lobbyists and lobbying firms are subject to Section 86203 for the earlier of six months after filing a notice of termination or six months after the close of a regular session of the Legislature at the close of which the lobbyist or lobbying firm ceased all activity that required certification or registration.

(Amended (as amended by Stats. 2010, Ch. 18, Sec. 9) by Stats. 2021, Ch. 50, Sec. 183. (AB 378) Effective January 1, 2022. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86107. (a) If any information in a registration statement changes, an appropriate amendment shall be filed online or electronically with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm's attempting to influence any legislative or administrative action on behalf of that person. Lobbying firms and lobbyist employers that, during a regular session of the Legislature, cease all activity that required registration shall file a notice of termination within 20 days after the cessation. Lobbying firms and lobbyist employers that, at the close of a regular session of the Legislature, cease all activity that required registration are not required to file a notice of termination.

(b) If any information in a lobbyist certification changes, or if a lobbyist terminates all activity that required the certification, the lobbyist shall submit an amended certification or notice of termination to the lobbyist's lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification is not required to file a notice of termination.

(c) Lobbyists and lobbying firms are subject to the gift limits in Section 86203 for the earlier of six months after either of the following:

(1) The filing of a notice of termination.

(2) The close of a regular session of the Legislature if the lobbyist or lobbying firm ceased all activity that required certification or registration when the session closed.

(Amended (as amended by Stats. 2018, Ch. 662, Sec. 34) by Stats. 2021, Ch. 50, Sec. 184. (AB 378) Effective January 1, 2022. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

86108. All information listed on any registration statement and on any amendment, renewal, or notice of termination shall be printed by the Secretary of State and made public within 30 days after filing.

(Repealed and added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86108. The Secretary of State shall make all information listed on any registration statement and on any amendment, renewal, or notice of termination publicly available on the Internet as soon as possible after receipt.

(Amended by Stats. 2018, Ch. 662, Sec. 35. (SB 1239) Effective January 1, 2019. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

86109. Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall publish, from time to time, such supplements to the directory as may be necessary.

(Amended by Stats. 1991, Ch. 391, Sec. 2. Repealed conditionally by Stats. 2018, Ch. 662, on date prescribed in Sec. 44 of Ch. 662.)

86109.5. (a) The Secretary of State shall establish and maintain on the Internet an online version of the Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers. The Secretary of State shall update the directory weekly.

(b) The Secretary of State shall also display on the Internet a list of the specific changes made to the Directory of Lobbyist, Lobbying Firms, and Lobbying Employers, including new registrations and listings, additions, deletions, and other revisions, during the seven days preceding the update required by subdivision (a).

(c) This section may not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.

(d) Notwithstanding any other provision of this title, the lobbying data made available on the Internet shall include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State pursuant to Chapter 6 (commencing with Section 86100).

(Added by Stats. 1999, Ch. 855, Sec. 4. Effective January 1, 2000. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86109.5. (a) The Secretary of State shall establish and maintain on the Internet an online listing of lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall update the listing as soon as possible when new information is received.

(b) Notwithstanding any other provision of this title, the lobbying data made available on the Internet shall include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State pursuant to Chapter 6 (commencing with Section 86100).

(Amended by Stats. 2018, Ch. 662, Sec. 37. (SB 1239) Effective January 1, 2019. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

86110. Lobbyists, lobbying firms, and lobbyist employers which receive payments, make payments or incur expenses or expect to receive payments, make payments or incur expenses in connection with activities which are reportable pursuant to this chapter shall keep detailed accounts, records, bills, and receipts as shall be required by regulations adopted by the commission to expedite the performance of all obligations imposed by this chapter.

(Repealed and added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985.)

86111. (a) "Activity expense" as used in this chapter means any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

(b) "Agency official" as used in this chapter means any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, or person described in subdivision (b) of Section 86115 has attempted or is attempting to influence.

(Repealed and added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985.)

86112. When a person is required to report activity expenses pursuant to this article, the following information shall be provided:

(a) The date and amount of each activity expense.

(b) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of benefit.

(c) The full name of the payee of each expense if other than the beneficiary.

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

(Added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985.)

86112.3. (a) Each person filing a report pursuant to this article who sends any written or printed invitation to an elected state officer, candidate for elective state office, legislative official or agency official, shall include on the invitation or on a letter attached to the invitation the following typed, printed, or handwritten statement that is at least as large and readable as 8-point Roman boldface type, in a color or print that contrasts with the background so as to be easily legible:

Attendance at this event by a public official will constitute acceptance of a reportable gift.

(b) The notice specified in subdivision (a) shall not be required to appear on any invitation wherein attendance at the event described in the invitation will not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official or agency official, pursuant to paragraph (1) of subdivision (a) of Section 87207.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

(Added by Stats. 1993, Ch. 1140, Sec. 2. Effective January 1, 1994.)

86112.5. (a) Each person filing a report pursuant to this article shall provide each beneficiary of a gift listed within the report the following information:

(1) The date and amount of each gift reportable by the beneficiary.

(2) A description of the goods or services provided to the beneficiary.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. For the purposes of meeting the disclosure requirements of this section, a lobbyist firm or lobbyist employer may provide the beneficiary a copy of the activity expense section of the report submitted to the Secretary of State pursuant to this article.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

(Added by Stats. 1991, Ch. 322, Sec. 1.)

86113. (a) A lobbyist shall complete and verify a periodic report which contains:

(1) A report of all activity expenses by the lobbyist during the reporting period; and

(2) A report of all contributions of one hundred dollars (\$100) or more made or delivered by the lobbyist to any elected state officer or state candidate during the reporting period.

(b) A lobbyist shall provide the original of the lobbyist's periodic report to the lobbyist's lobbyist employer or lobbying firm within two weeks following the end of each calendar quarter.

(Amended by Stats. 2021, Ch. 50, Sec. 185. (AB 378) Effective January 1, 2022.)

86114. (a) Lobbying firms shall file periodic reports containing all of the following:

(1) The full name, address, and telephone number of the lobbying firm.

(2) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, a description of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(3) The total amount of payments received for lobbying services during the period.

(4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.

(5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.

(6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:

(A) The full name, address, and telephone number of the subcontractor.

(B) The name of the person for whom the subcontractor was retained to lobby.

(C) The total amount of all payments made to the subcontractor.

(7) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee and the identification number of the committee.

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

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

(Amended by Stats. 1986, Ch. 905, Sec. 3. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86114. (a) Lobbying firms shall file periodic reports containing all of the following:

- (1) The full name, business address, email address, and telephone number of the lobbying firm.
- (2) (A) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(B) (i) For each lobbyist employer represented by the lobbying firm, the report shall indicate each legislative or administrative action, with regard to which a partner, owner, officer, or employee of the lobbying firm engaged in direct communication with an elective state official, agency official, or legislative official on behalf of the lobbyist employer by that lobbying firm for the purpose of influencing legislative or administrative action during the reporting period, either by reference to its legislative or administrative identification number or, if none exists, by the official title, popular name, or description of the action.

(ii) The report shall not include legislative or administrative actions which the lobbying firm is only watching, monitoring, or which the lobbying firm has not attempted to influence during the reporting period.

(iii) The requirements of this subparagraph do not apply to a placement agent, as defined in Section 82047.3.
- (3) The total amount of payments received for lobbying services during the period.
- (4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.
- (5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.
- (6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:
 - (A) The full name, address, email address, and telephone number of the subcontractor.
 - (B) The name of the person for whom the subcontractor was retained to lobby.
 - (C) The total amount of all payments made to the subcontractor.
- (7) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support or oppose those officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee and the identification number of the committee.
- (8) Any other information required by the commission consistent with the purposes and provisions of this chapter.

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

(Amended (as amended by Stats. 2018, Ch. 662, Sec. 38) by Stats. 2022, Ch. 873, Sec. 1. (SB 459) Effective January 1, 2023. Conditionally operative on or after January 1, 2023, pursuant to Stats. 2022, Ch. 873.)

86115. Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86116:

- (a) Any lobbyist employer; and
- (b) Any person who directly or indirectly makes payments to influence legislative or administrative action of five thousand dollars (\$5,000) or more in value in any calendar quarter, unless all of the payments are of the type described in subdivision (c) of Section 82045.

(Added by Stats. 1985, Ch. 1183, Sec. 7. Effective September 29, 1985.)

86116. Every person described in Section 86115 shall file periodic reports containing the following information:

- (a) The name, business address, and telephone number of the lobbyist employer or other person filing the report.
- (b) The total amount of payments to each lobbying firm.
- (c) The total amount of all payments to lobbyists employed by the filer.
- (d) A description of the specific lobbying interests of the filer.
- (e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.
- (f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.
- (g) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee, and the identification number of the committee.
- (h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.

(2) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in subdivision (b) or (c), respectively, of Section 82002, may, in lieu of reporting those payments pursuant to paragraph (1), report only the portion of those payments made to or for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities Commission proceeding. This alternative reporting of these payments made during a calendar month is not required to include payments made to an attorney or witness who is an employee of the filer if less than 10 percent of the attorney or witness's compensated time in that month was spent in appearing, testifying, or preparing to appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For the purposes of this paragraph, time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.
- (i) Any other information required by the commission consistent with the purposes and provisions of this chapter.

(Amended (as amended by Stats. 2001, Ch. 921, Sec. 3) by Stats. 2021, Ch. 50, Sec. 186. (AB 378) Effective January 1, 2022. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86116. Every person described in Section 86115 shall file periodic reports containing the following information:

- (a) The name, business address, email address, and telephone number of the lobbyist employer or other person filing the report.
- (b) The total amount of payments to each lobbying firm.
- (c) The total amount of all payments to lobbyists employed by the filer.
- (d) The information required by subparagraph (B) of paragraph (2) of subdivision (a) of Section 86114. A person described in Section 86115 may, in a manner authorized by the commission, refer to and incorporate by reference the information contained in a report filed by the person's lobbying firm pursuant to Section 86114 to meet the requirement of this subdivision.
- (e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.
- (f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.
- (g) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support or oppose the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee, and the identification number of the committee.
- (h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend more than 10 percent of their compensated time in any one month in activities related to influencing legislative or administrative action. Any payment to influence legislative or administrative action totaling two thousand five hundred dollars (\$2,500) or more to a payee during a reporting period that was made in connection with an issue lobbying advertisement must include the identification number or, if none exists, the official title, popular name, or description of any legislative or administrative action clearly referred to in the issue lobbying advertisement as well as one of the following descriptions of the position of the filer who paid for the advertisement: "support," "oppose," "support if amended," "oppose unless amended," "neutral," "neutral seeking amendment," "neutral expressing concerns," "no position," or similar description.

(2) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in subdivision (b) or (c), respectively, of Section 82002, may, in lieu of reporting those payments pursuant to paragraph (1), report only the portion of those payments made to or for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities

Commission proceeding. This alternative reporting of these payments made during a calendar month is not required to include payments made to an attorney or witness who is an employee of the filer if 10 percent or less of the attorney's or witness's compensated time in that month was spent appearing, testifying, or preparing to appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For the purposes of this paragraph, time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.

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

(Amended (as amended by Stats. 2021, Ch. 50, Sec. 187) by Stats. 2022, Ch. 873, Sec. 2. (SB 459) Effective January 1, 2023. Conditionally operative on or after January 1, 2023, pursuant to Stats. 2022, Ch. 873.)

86116.5. (a) In addition to the information required pursuant to Section 86116, all state and local agencies that file reports pursuant to Sections 86115 and 86116 shall disclose, except for overhead expenses, all payments of two hundred fifty dollars (\$250) or more made in a reporting period, including, but not limited to, all of the following:

(1) Goods and services used by a lobbyist or used to support or assist a lobbyist in connection with the lobbyist's activities as a lobbyist.

(2) Payments of any other expenses which would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action.

(3) Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10 percent of its total expenditures, or fifteen thousand dollars (\$15,000), or more, during any calendar quarter, to influence legislative or administrative action.

(b) Reports required pursuant to this section may be disclosed on a separate schedule and shall include all of the following information:

(1) The name and the address of the payee.

(2) The total payments made during the reporting period.

(3) The cumulative amount paid during the calendar year.

(c) All statements required by this section shall be filed as specified by Sections 86117 and 86118.

(Amended by Stats. 2021, Ch. 50, Sec. 188. (AB 378) Effective January 1, 2022.)

86117. (a) Reports required by Sections 86114 and 86116 shall be filed during the month following each calendar quarter. The period covered shall be from the first day of January of each new biennial legislative session through the last day of the calendar quarter prior to the month during which the report is filed, except as specified in subdivision (b), and except that the period covered shall not include any information reported 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 legislative session to date.

(b) The period covered by the first report a person is required to file pursuant to Sections 86114 and 86116 shall begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount shall be stated for the entire calendar quarter covered by the first report.

(c) (1) During the period beginning 60 days before the date the Legislature is scheduled to adjourn for the interim recess or final recess, a person described in Section 86115 shall file a report within 48 hours of paying or incurring an enforceable promise to pay five thousand dollars (\$5,000) or more to a lobbying firm to influence legislative action if the person described in Section 86115 did not employ the lobbying firm on the day immediately preceding the 60-day period. A report filed pursuant to this subdivision shall be made publicly available directly by the filer through the online filing system described in subdivision (b) of Section 84602 or, if the online filing system will not accommodate direct filing, the report shall be made publicly available by the Secretary of State through electronic means within 24 hours of the time the Secretary of State receives the filing.

(2) The report filed pursuant to this subdivision shall include the following:

(A) The name, business address, and telephone number of the lobbying firm or firms the filer has paid, or incurred an enforceable promise to pay, five thousand dollars (\$5,000) or more for the purposes of influencing legislative action for any lobbying firm that was not employed by the filer on the day immediately preceding the 60th day before the date the Legislature is scheduled to adjourn for interim recess or final recess.

(B) The identification number or, if none exists, the official title, popular name, or description of all legislative actions for which the filer has authorized the lobbying firm to engage in direct communications with legislative officials for the purpose of influencing legislative action, and the dollar amount of payments or enforceable promises to make payments made or incurred by the filer to the lobbying firm as described in subparagraph (A) during the 60-day period.

(Amended by Stats. 2022, Ch. 873, Sec. 3. (SB 459) Effective January 1, 2023. Conditionally operative on or after January 1, 2023, pursuant to Stats. 2022, Ch. 873.)

86118. The original and one copy of each report required by Sections 86114 and 86116 shall be filed with the Secretary of State, unless filing in paper format is no longer required by Sections 84605 and 84606.

(Amended by Stats. 2010, Ch. 18, Sec. 10. (AB 1181) Effective January 1, 2011. Superseded on operative date of amendment by Stats. 2018, Ch. 662.)

86118. (a) Reports required by Sections 86114 and 86116 shall be filed online or electronically with the Secretary of State.

(b) Any form, registration, or report requiring paper filing pursuant to this chapter may be verified by the filer with an electronic signature.

(Amended (as amended by Stats. 2018, Ch. 662, Sec. 40) by Stats. 2022, Ch. 873, Sec. 4. (SB 459) Effective January 1, 2023. Conditionally operative on or after January 1, 2023, pursuant to Stats. 2022, Ch. 873.)

86119. (a) (1) "Issue lobbying advertisement" means any advertisement as defined in paragraph (2) made for purposes of influencing a clearly identified legislative or administrative action, including an advertisement soliciting or urging a person to communicate directly with an elective state official, agency official, or legislative official for the primary purpose of attempting to influence a clearly identified state legislative or administrative action. An issue lobbying advertisement does not include a communication described in Section 85310, an advertisement expressly advocating the election or defeat of a candidate or ballot measure, an advertisement that qualifies as a contribution or independent expenditure, or any communication made by a political party or candidate-controlled committee.

(2) For purposes of this section, "advertisement" means any general or public communication and does not include communications exempted from the definition of advertisement in paragraph (2) of subdivision (a) of Section 84501.

(3) A legislative or administrative action is clearly identified if the communication states a legislative or administrative identification number, official title, or popular name associated with the action or if the communication refers to the subject matter of the action and states that the measure is before an elective state official, agency official, or legislative official for a vote or decision.

(b) (1) An issue lobbying advertisement shall clearly and conspicuously identify the person that authorized and paid for the advertisement by either of the following:

(A) Including the words "Paid for by" or "Ad paid for by" followed by the legal name of the person who authorized and paid for the advertisement in a manner that is easily readable by the average viewer. For video advertisements disseminated on television or via the internet, the words "Paid for by" or "Ad paid for by" shall be followed by the legal name of the person who authorized and paid for the advertisement and shall be displayed for at least 5 seconds of an advertisement that is 30 seconds or less or at least 10 seconds of an advertisement that is more than 30 seconds.

(B) Satisfying the requirements of Sections 84504 to 84504.7, inclusive, for the applicable medium of distributing the advertisement.

(2) The requirements of Section 84503 shall not apply to issue lobbying advertisements.

(c) (1) A person that pays or makes enforceable promises to pay five thousand dollars (\$5,000) or more during a calendar quarter for issue lobbying advertisements shall file a report with the Secretary of State within 72 hours. The report shall be filed with the Secretary of State by online or electronic transmission using the online filing system described in subdivision (b) of Section 84602 each time a person pays or makes an enforceable promise to pay five thousand dollars (\$5,000) or more during the calendar quarter.

(2) The report required by this subdivision shall include the following information:

(A) The total payments made and enforceable promises to pay incurred in connection with each issue lobbying advertisement required to be disclosed by this subdivision. The cost of an issue lobbying advertisement shall include actual costs attributable to the advertisement but shall not include the payment of compensation for staff time or travel expenses paid by an organization to members or staff.

(B) The date that each issue lobbying advertisement was or will be first publicly disseminated.

(C) The identification number of the legislative or administrative action that was the subject of the issue lobbying advertisement or, if there is no identification number, the official title, popular name, or description of the action.

(D) For each legislative or administrative action for which there were issue lobbying advertisements, the position on the legislative or administrative action urged on the lobbying issue advertisement, which may include "support," "oppose," "support if amended," "oppose unless amended," "neutral," "neutral seeking amendment," "neutral expressing concerns," "no position," or a similar description.

(E) The method of distributing the issue lobbying advertisement, including direct mail, text messages, television advertisements, radio advertisements, social media advertisements, search engine advertisements, or other types of online advertisements.

(F) The name of any Member of the Legislature or candidate for Member of the Legislature that is clearly identified in the issue lobbying advertisement.

(3) Payments for issue lobbying advertisements shall be disclosed on reports filed pursuant to Section 86115 notwithstanding any disclosure pursuant to this subdivision.

(d) This section is not intended and shall not be construed to expand the meaning of "lobbyist" as defined in Section 82039 or "lobbyist employer" as defined in Section 82039.5.

(e) This section does not apply to a placement agent, as defined in Section 82047.3.

(Added by Stats. 2022, Ch. 873, Sec. 5. (SB 459) Effective January 1, 2023. Conditionally operative on or after January 1, 2023, pursuant to Stats. 2022, Ch. 873.)