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**AB-909 Political Reform Act of 1974: statements of acknowledgment.** (2019-2020)

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**Assembly Bill No. 909**

**CHAPTER 313**

An act to amend Sections 84102 and 84103 of the Government Code, relating to the Political Reform Act of 1974.

[ Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 909, Gallagher. Political Reform Act of 1974: statements of acknowledgment.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, as defined, and imposing other reporting and recordkeeping requirements on campaign committees, as defined. The act requires every committee to have a treasurer.

The act requires certain committees to file a statement of organization that includes, among other information, the full name, street address, email address, and telephone number of the treasurer. An existing regulation adopted by the Fair Political Practices Commission permits committees to designate one assistant treasurer on the statement of organization. If there is a change in any of the information contained in a statement of organization, the committee must file an amendment within 10 days to reflect the change.

This bill would require any person identified as a treasurer or assistant treasurer on the statement of organization to acknowledge that, by serving as a treasurer or assistant treasurer, the person must comply with duties imposed by the act and existing regulations adopted by the Commission, and that a violation of these duties could result in criminal, civil, or administrative penalties. The Secretary of State would be prohibited from accepting a statement of organization without a completed acknowledgment. The bill would impose these same requirements on committees and the Secretary of State when an amendment to a statement of organization identifies a new treasurer or assistant treasurer.

A violation of the act is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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

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

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

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 84102 of the Government Code is amended to read:

**84102.** The statement of organization required by Section 84101 shall include all of the following:

(a) The name, street address, email address, and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.

(b) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.

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

(1) A committee with more than one principal officer shall identify its principal officers as follows:

(A) A committee with three or fewer principal officers shall identify all principal officers.

(B) A committee with more than three principal officers shall identify no fewer than three principal officers.

(2) If no individual other than the treasurer is a principal officer, the treasurer shall be identified as both the treasurer and the principal officer.

(d) (1) An acknowledgment by any person identified as a treasurer or assistant treasurer on the statement of organization of the following:

(A) By serving as treasurer or assistant treasurer, the person must comply with all applicable duties stated in this title and the regulations of the Commission.

(B) A violation of these duties could result in criminal, civil, or administrative penalties.

(2) A failure to complete the acknowledgment pursuant to paragraph (1) is not a violation of this title. However, the Secretary of State shall not accept a statement of organization unless the acknowledgment has been completed.

(3) This subdivision shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602.

(e) The full name and office sought by a candidate, and the title and ballot number, if any, of any measure, that the committee supports or opposes as its primary activity. A committee that does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics, such as a political party preference.

(f) A statement whether the committee is independent or controlled and, if it is controlled, the name of each candidate or state measure proponent by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee shall indicate the political party, if any, for which the candidate has disclosed a preference.

(g) For a committee that is a committee by virtue of subdivision (a) or (b) of Section 82013, the name and address of the financial institution in which the committee has established an account and the account number.

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

**SEC. 2.** Section 84103 of the Government Code is amended to read:

**84103.** (a) If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment online or electronically with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall file an amendment to its statement of organization within 24 hours if the change requiring

the amendment occurs within 16 days before the date of the election in connection with which the committee is required to file a preelection statement, and if any of the following information is changed:

- (1) The name of the committee.
- (2) The name of the treasurer or other principal officers.
- (3) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.

The amendment shall include the changed information, the date of the change, and the committee's name and identification number.

The committee shall file the original of the amendment online or electronically with the Secretary of State and a copy with the local filing officer, if any, with whom the committee is required to file the original of its campaign reports, by email, fax, online transmission, guaranteed overnight delivery, or personal delivery.

(c) (1) If an amendment to a statement of organization identifies a new treasurer or assistant treasurer that person shall complete the acknowledgment required by subdivision (d) of Section 84102.

(2) A failure to complete the acknowledgment pursuant to paragraph (1) is not a violation of this title. However, the Secretary of State shall not accept an amendment to a statement of organization that identifies a new treasurer or assistant treasurer unless the acknowledgment has been completed.

(3) This subdivision shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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