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AB-2172 Political Reform Act of 1974: electronic filings. (2021-2022)

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Assembly Bill No. 2172

CHAPTER 328

An act to amend Sections 81004, 84215, and 86100 of the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor September 15, 2022. Filed with Secretary of State September 15, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, Cervantes. Political Reform Act of 1974: electronic filings.

The Political Reform Act of 1974 generally requires statewide elected officials, elected members of specified entities, candidates for elective office, certain committees, and slate mailer organizations to file periodic campaign statements and certain reports concerning campaign finances and related matters. The act also requires lobbying firms, lobbying coalitions, and individual lobbyists to file a registration statement with the Secretary of State, as specified. Existing law, until the Secretary of State develops and certifies an online filing and disclosure system, requires the filing of these documents online or electronically, if specified conditions are met, and requires that once a person or entity is required to file online or electronically, they are required to file all subsequent reports online or electronically. For persons or entities who file online or electronically with the Secretary of State, existing law requires those persons or entities to also file the original and one copy of the statement or report on paper, with the original serving as the official copy for audit and other legal purposes.

This bill would authorize a person required to file a report or statement with the Secretary of State in a paper format to file the report or statement by email or other digital means prescribed by the Secretary of State instead, subject to specified requirements. The bill would provide that a report or statement filed by email in accordance with these provisions is the original for audit and other legal purposes. The bill would eliminate the requirement that a person file a copy of the report or statement with the original when filing on paper.

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: no

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

SECTION 1. Section 81004 of the Government Code, as amended by Section 128 of Chapter 50 of the Statutes of 2021, is amended to read:

81004. (a) 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 the filer's knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which that person knows to be false is guilty of perjury.

(c) (1) Notwithstanding any other provision of this title, a person required to file a report or statement by paper with the Secretary of State may instead file the paper report or statement by email with the Secretary of State, or by other digital means as prescribed by the Secretary of State.

(2) A report or statement filed by email pursuant to paragraph (1) shall be signed using a digital signature that conforms with the requirements of Section 16.5.

(3) A report or statement filed with the Secretary of State by email that meets the requirements in this subdivision is the original report or statement for audit and other legal purposes.

SEC. 2. Section 84215 of the Government Code, as amended by Section 8 of Chapter 633 of the Statutes of 2010, is amended to read:

84215. All candidates and elected officers and their controlled committees, except as provided in subdivisions (d) and (e), shall file one copy of the campaign statements required by Section 84200 with the elections official of the county in which the candidate or elected official is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers, including members of the State Board of Equalization; Members of the Legislature; Supreme Court justices, court of appeal justices, and superior court judges; candidates for those offices and their controlled committees; committees formed or existing primarily to support or oppose these candidates, elected officers, justices and judges, or statewide measures, or the qualification of state ballot measures; and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive, shall file a campaign statement by online or electronic means, as specified in Section 84605, and shall file the original campaign statement in paper format with the Secretary of State.

(b) Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

(c) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (d), and county general purpose committees shall file the original and one copy with the elections official of the county.

(d) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city and are not required to file with the local elections official of the county in which they are domiciled.

(e) Elected members of the Board of Administration of the Public Employees' Retirement System, elected members of the Teachers' Retirement Board, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or elected members shall file the original with the Secretary of State, and a copy shall be filed at the relevant board's office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.

(f) Notwithstanding any other provision of this section, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (a) to (d), inclusive, it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.

SEC. 3. Section 86100 of the Government Code is amended to read:

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.

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.