

Selected Information on California State and Local Election Regulations

Reporting requirements per California State Law for all office-holder elections

State regulations, noted below in TABLE 1, and reporting forms are provided by the Fair Political Practices Commission (FPPC) based on the Political Campaign Finance Reform Act of 1974 and subsequent revisions including 2015. Manuals and training for Candidate Committees and numerous other (non-PAC) committees are also provided by the FPPC, see <http://www.fppc.ca.gov/learn/campaign-rules/campaign-disclosure-manuals.html#title2>. The various manuals set the process requirements for election campaigns including FPPC Form 460 which track campaign funds and voluntary spending limits for offices at the state level only. The Act sets out requirements that must be met for electronic filing programs. Information on additional regulations and voluntary spending limits is provided in TABLE 2 for state offices and TABLE 3 for local offices.

It is useful to note that FPPC Form 460 tracks where money over \$100 is derived and spent. The total dollars (plus in-kind) raised or loaned can be spent for many purposes including held over for another campaign, donated to other campaigns, or perhaps donated to charity. Each reporting cycle balances the 'in and out' amounts.

Below lists important aspects of reporting and public disclosure requirements during campaigns regarding a person already in elected office vs. a person in an appointed office/commission. The uniqueness is that appointed officials, such as Planning Commissioners, must recuse themselves if they receive \$250 or more towards their campaign for elected office. Unless by local ordinance, current elected officials are not so constrained. While in office and subsequent to election to office, there are some public disclosure requirements related to actions/votes by elected or appointed official. These rarely result in recusal. Please note the loophole for currently elected officials being exempt has been purposefully eliminated by various cities such as San Jose and Santa Clara County. See these links for current efforts at the state level: <http://www.fppc.ca.gov/news/california-pushes-back-against-outside-campaign-spending.html> and <http://www.fppc.ca.gov/news/stricter-rules-proposed-for-reporting-payments-to-influence.html>.

The following is a summary of disclosure requirements for committees associated with election fundraising and expenditure. There are many types of committees. It is not uncommon for a candidate to establish more than one committee for elective office or a committee for other purposes. The FPPC's Regulation 18405 sets out the filing requirements to ensure that voters in all locations have access to campaign reports.

Table 1: California State-wide Disclosure Requirements (See FPPC Forms as noted)

- Candidate Intention Statement (Form 501) initiates a campaign and is required before fundraising can begin. Each committee is assigned an FPPC campaign tracking number.
- Statement of Organization: The trigger for filing Form 410 is raising \$2,000 (Changed June 2015) forming a committee for a specific intention: General, Independent Expenditure, Major Donor, Controlled or Candidate Committees. The Act and the FPPC's regulations address campaign filing requirements for multipurpose organizations (including nonprofits, and federal and out-of-state PACs) involved in California elections. Depending upon their activity, these groups may qualify as a recipient committee, a major donor committee, or an independent expenditure committee.
- Committee Treasurer must be named and Campaign Bank Account identified. The latter is extremely important to prevent comingling and TRACKING of funds in and out.
- Requirements for timely reporting of contributors and amounts plus loans and expenditures are listed on the standardized FPPC Form 460. The reporting schedule is clearly defined along with penalties for the Treasurer if errors or late. Reporting schedule dates vary by election. Primary submittal dates are different than general elections, but the reporting information is the same. See the inserts below for voluntary campaign financing limits by state election type and office.
- For donations and in-kind services valued at \$100 or more, state law requires listing the name and address. If an individual, occupation and employer are also required.
- As election time draws near (within 90 days) contributions of \$1,000 or more must be reported within 24 hours (Form 497).

- Timely reporting of expenditures is incorporated into the standard Form 460. Revenue and expenses are balanced on the same form.
- Online availability of above information prior to election varies by jurisdiction. State elections require electronic reporting when more than \$25,000 is raised. Many county and city elections now require electronic reporting. More are in the process of converting to electronic reporting. This is anticipated to assist with easy public access to campaign donation and expenditure information.
- Reporting of gifts is generally not related to an election, but if received during an election they are reportable on the Form 460. For those already in office or ultimately elected to office, annual Form 700's are required for submission to the FPPC for tracking of annual assets and gifts above \$460 (2015-16 from single source) including to family members and charities or causes sponsored by the elected official.

Table 2 A and B: California State-wide Campaign Voluntary Contribution Limits and Spending Ceilings

**California Fair Political Practices Commission
Voluntary Expenditure Ceilings for State Candidates**

(For Elections held on or after January 1, 2015)

State candidates may voluntarily accept expenditure limits for elections. They must declare on the Candidate Intention Statement (Form 501) whether they accept the voluntary expenditure ceiling established for each election. Candidates who accept the ceiling are designated in either the state ballot pamphlet (statewide candidates) or the voter information portion of the sample ballot (Senate and Assembly candidates) and may purchase space to place a 250-word statement there.

Voluntary Expenditure Ceilings for State Candidates

Office	Primary/Special Election	General/Special Runoff Election
Assembly	\$564,000	\$987,000
Senate	\$846,000	\$1,269,000
Board of Equalization	\$1,410,000	\$2,115,000
Lt. Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Supt. of Public Instruction, Treasurer	\$5,640,000	\$8,460,000
Governor	\$8,460,000	\$14,100,000
CalPERS/CalSTRS (Section 85400)	N/A	N/A

**California Fair Political Practices Commission
California State Contribution Limits**

(Effective January 1, 2015 - December 31, 2016)

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. (Sections 85301 - 85303.) Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor for state offices. The primary, general, special, and special run-off elections are considered separate elections. Contribution limits to candidates apply to each election. Contribution limits to officeholder and other committees apply on a calendar year basis. Contact your city or county about contribution limits for local offices.

Contribution Limits to State Candidates Per Election

Candidate or Officeholder	Contributor Sources		
	Person (individual, business entity, committee/PAC)	Small Contributor Committee (see definition on page 2)	Political Party
Senate and Assembly	\$4,200	\$8,500	No Limit
CalPERS/CalSTRS	\$4,200	\$8,500	No Limit
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$7,000	\$14,100	No Limit
Governor	\$28,200	\$28,200	No Limit

Contributions to Other State Committees Per Calendar Year

Committee	Contributor Sources
	Person (individual, business entity, committee/PAC)
Committee (Not Political Party) that Contributes to State Candidates (PAC)	\$7,000
Political Party Account for State Candidates	\$35,200
Small Contributor Committee	\$200
Committee Account NOT for State Candidates (Ballot Measure, PAC, Political Party)	No Limit*

*State committees (including political parties and PACs) may receive contributions in excess of the limits identified above as long as the contributions are NOT used for state candidate contributions. (Regulation 18534.)

Contributions to State Officeholder Committees Per Calendar Year

Committee	Contributor Sources	
	Any Source (Person, Small Contributor Committee or Political Party)	Aggregate From All Sources
Senate and Assembly	\$3,500	\$58,500
CalPERS/CalSTRS	\$3,500	\$58,500
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$5,900	\$117,100
Governor	\$23,400	\$234,200

TABLE 3 identifies Santa Clara County and several cities that have set voluntary campaign funding and expenditures limits. These do not alter the FPPC requirements established by the State. All election filings and annual forms are coordinated by the local agencies, but must also be filed with the FPPC. There are new County and State requirements for electronic filing. This will facilitate ease of timely public access to funding activity that must be reported.

TABLE 3 Santa Clara County and Cities Campaign Regulations

Disclosure (see links below from state web page for specific city ordinances)	Campaign finance regulations beyond state reporting rules	Min. \$\$ reporting with name & company	Voluntary Campaign Expenditure limits	Maximum donation	Public disclosure for elected officials?	Notes
California State-wide	--	YES	See Table 1	See Table 1	Per state	
County of Santa Clara	YES	YES	\$250K BoS \$500K others	\$1000 w limit \$500 w/o limit	Per state	Finance rule apply to all candidates including incumbent elected officials Donation limits per calendar year
Campbell	No	Per state	No	No	Per state	Discussed in 2015, 3-2 vote to not proceed with reforms
Cupertino	YES	Per state	\$28,000	\$150	Per state	2011 \$\$; No escalation factor noted
Gilroy	YES	All to be listed	YES	\$250 voluntary \$100 w/o	Per state plus 7 days pre-election report	Does not include own \$\$s Per person Independ./controlled committee: no expenditure max, but has \$250 max donation or \$100 \$100 max if not accept expenditure ceiling Ceiling is \$.50/resident
Los Altos	No	Per state	No	No	Per state	
Los Altos Hills	No	Per state	No	No	Per state	
Los Gatos	No	Per state	No	No	Per state	
Milpitas	YES	Per state	No	\$250	Per state	Per separate election Does not include own funds Aggregate of all donations
Monte Sereno	No	Per state	No	No	Per state	
Morgan Hill	No	Per state	No	No	Per state	
Mountain View	YES	Per state	\$15,000	None	Per state	Non-candidate groups must file No \$\$s after Tuesday before election until Wednesday after election 2000 indexed 3% with except. \$500 statement; rest by city

Palo Alto	YES	\$50	No	No	Per state	\$50 min reporting \$1,000 reporting Once electronic filing all electronic Rescinded expenditure ceiling in June '99
San Jose	YES	Per state	YES	\$1,000 to all committees	Per state	Ceiling is \$.75/resident for Mayor Ceiling is \$1.25/resident for council Per election Aggregate amount List of prohibited donors Retire debt in 6 months 2010 \$s, CPI in 2013
Santa Clara	YES	Per state	\$38,300	\$520 voluntary \$260 w/o	Per state	2000; numerous amendments Starting 2014, adjust to CPI City pays ½ of cand. ballot statement
Saratoga	No	Per state	No	No	Per state	
Sunnyvale	No	Per state	No	No	Per state	Topic has been revisited many time including 2012, no resolution

Source: <http://www.fppc.ca.gov/learn/campaign-rules/local-campaign-ordinances.html>

The above Study information on State and Local election regulations has been compiled by Liz Gibbons as part of the SWSCV League of Women Voters, Money in Politics Study Committee. Members are Danice and Tom Picraux (co-chairs), Eileen Barnes, Liz Gibbons, Meg Giberson, Dale Hill, Emily Lo, Cherri Nelson, Gail Pedersen, Marico Sayoc, and Patty Weber.