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Education

University of the Pacific; McGeorge School of Law

Education

Education; adoption or termination of the merit system

Education Code §§ 45221, 45319 (amended).
AB 1239 (Moore); 1991 STAT. Ch. 146

Under existing law, a school district may use a classified system[1] or the merit system[2] to manage its employees.[3] Existing law also permits the employees of large school districts[4] to petition the governing Board of Education[5] to hold an election to adopt or terminate the merit system within the school district.[6] Upon receiving a petition to adopt the merit system, prior law required the school district to choose a representative to present the pros and cons of each system to the employees before the election.[7] Chapter 146 allows the employees who petitioned for the change of systems to choose the representative to argue for the merit system.[8]

Under prior law, a school district was not required to provide arguments for and against the merit system upon the submission of a petition to abolish the merit system.[9] Chapter 146 requires that employees be given an opportunity to obtain such information via an open forum debate before the election.[10]

GRR

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1. *See* CAL. EDUC. CODE § 45103 (West Supp. 1991) (definition of classified system).
2. *See id.* §§ 45240-45320 (West 1978 & Supp. 1991) (setting forth merit system procedures).
3. *Id.* § 45224 (West 1978).
4. *See id.* § 45221(a) (amended by Chapter 146) (requiring that the district have an average daily attendance greater than 3,000 students).
5. *See id.* § 1000 (West 1978) (definition and composition of Board).
6. *Id.* §§ 45221(a), 45319(a) (amended by Chapter 146).
7. 1976 Stat., ch. 1010, sec. 2, at 455 (amending CAL. EDUC. CODE 45221) (amended by Chapter 146).
8. CAL. EDUC. CODE § 45221(b)(1) (amended by Chapter 146).
9. 1982 Cal. Stat. ch. 188, sec. 1, at 571 (amending CAL. EDUC. CODE § 45319) (amended by Chapter 146).
10. CAL. EDUC. CODE § 45319(f) (amended by Chapter 146).

Education; AIDS Education

Education Code §§ 51201.5, 51229.8 (new).
AB 11 (Hughes); 1991 STAT. Ch. 818

Existing law allows a school district to offer sex education[1] and venereal disease[2] prevention instruction to students.[3] Chapter 818 requires school districts to offer[4] Acquired Immune Deficiency Syndrome (AIDS) prevention instruction for junior high and middle school students.[5] Chapter 818 also requires school districts to provide training for participating instructors.[6]

GRR

1. CAL. EDUC. CODE § 51553 (West 1990) (specifying course criteria of sex education instruction).

2. *See id.* § 51820 (West 1990) (authorizing venereal disease prevention instruction).

3. *Id.* §§ 51550, 51820 (West 1990). *But see id.* § 51550 (West 1990) (allowing parents to request that their children not participate in sex education classes); *id.* § 51820 (allowing parents to request that their children not participate in venereal disease instruction).

4. *See id.* § 51201.5(c) (enacted by Chapter 818) (stating that parents shall be given notice of the impending class and may prohibit their children's attendance).

5. *Id.* § 51201.5 (enacted by Chapter 818). *Cf.* OKLA. STAT. ANN. tit. 70, § 11-103.3 (West 1990) (enacting AIDS instruction law in Oklahoma); WASH. REV. CODE § 28A.230.070 (West 1991) (enacting AIDS instruction law in Washington).

6. CAL. EDUC. CODE § 51229.8 (enacted by Chapter 818). If a teacher has demonstrated expertise in AIDS prevention, the training is voluntary. *Id.*

Education; minimum credential requirements for teachers or program directors of severely handicapped children's programs

Education Code § 8360.1 (new); §§ 8208, 8262, 8265.5, 8477 (amended).
AB 1017 (Bates); 1991 STAT. Ch. 196

Existing law establishes minimum requirements[1] for teachers[2] or supervisors[3] employed in a child care and development program.[4] Chapter 196 establishes minimum credential requirements for teachers and program directors of a child care and development program for severely handicapped children.[5]

BJJ

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1. *See* CAL. EDUC. CODE § 8360(b) (West Supp. 1991) (requiring all persons employed as teachers or supervisors to hold child care and development permits issued by the Commission on Teacher Credentialing (Commission)).

2. *See id.* § 8208(ee) (amended by Chapter 196) (definition of teacher).

3. *See id.* § 8208(z) (amended by Chapter 196) (definition of site supervisor).

4. *Id.* § 8360(b) (West Supp. 1991). Persons with teaching credentials from the State Board of Education or the Commission and possessing 12 semester units of training, two years experience, or a single subject credential in home economics, are deemed to hold regular child care and development permits. *Id. See id.* § 8242 (West Supp. 1991) (allowing the Department of Education to waive regulations and requirements if no facilities in the area meet the special needs of particular children). *See also id.* § 8208(h) (amended by Chapter 196) (definition of child care and development program). *Cf. id.* § 8208(g) (amended by Chapter 196) (definition of child care and development facility); § 8208(j) (amended by Chapter 196) (definition of child care and development services).

5. *Id.* § 8360.1(a)-(b) (enacted by Chapter 196). Teachers must have one of the following: California Special Education Credential, an Associate of Arts degree in an area related to child development, 16 semester units in an area related to child development, or employment in a child care and development program serving only severely handicapped children before January 1990. *Id.* Program directors are required to have one of following: a California Special Education Credential, a professional license or credential in a child development related field, or employment in a child care and development program serving only severely handicapped children before January 1990. *Id.* Chapter 196 defines an intergenerational center and re-defines children with exceptional needs, children with special needs and severely handicapped children. *Id.* § 8208(l)-(m), (q), (t) (amended by Chapter 196). Chapter 196 also deletes the provision requiring licensing and monitoring of child care and development programs by the Superintendent of Public Instruction. *Id.* § 8262 (amended by Chapter 196).

Education; public postsecondary education--student transfers

Education Code §§ 66202.5, 66730, 66731, 66732, 66734, 66736, 66737, 66738, 66740, 66741, 66742, 66743, 66744 (new); § 66202 (amended).
SB 121 (Hart); 1991 STAT. Ch. 1188

Under existing law, the governing boards[1] of California's public colleges and universities must jointly develop and maintain a general education core curriculum for the purpose of student transfers.[2] Any student who successfully completes such a core curriculum at a community college shall be deemed to have completed the lower division requirements for the University of California, and the California State University.[3] Prior law specified categories upon which admission priorities for enrollment in the University of California and the California State University were based.[4] Chapter 1188, which may not apply to the University of California,[5] redefines the admissions priorities so that students transferring from a California Community College receive greater priority consideration for admission to the University of California and the California State University.[6]

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1. *See* CAL. EDUC. CODE § 66720 (West 1989) (specifying the Board of Governors of the California Community Colleges, the Regents of the University of California, and the Trustees of the California State University as the governing bodies who must develop a transfer core curriculum).

2. *Id.* Such core curriculum shall be held in common by each of the public postsecondary institutions. *Id.*

3. *Id.*

4. 1983 Cal. Stat. ch. 143, sec. 48, at 426 (amending CAL. EDUC. CODE § 66202) (amended by Chapter 1188). The categories were prioritized as follows: (1) Continuing undergraduate students in good standing; (2) California residents who successfully completed the first two years of a baccalaureate program; and (3) California residents entering as freshmen or sophomores. *Id.* Within each of the above categories, priority was based upon the following order: (a) California residents who are recently released veterans; (b) transfers from California community colleges; (c) applicants who were previously enrolled at the campus and left in good standing; (d) applicants in degree programs not generally offered at other public institutions; and (e) applicants for whom the distance required to attend another institution would create a hardship. *Id.*

5. *See* CAL. EDUC. CODE § 66744 (enacted by Chapter 1188) (stating that Chapter 1188 does not apply to the University of California unless the Regents of the University adopt its provisions).

6. *Id.* § 66202(a) (amended by Chapter 1188). Chapter 1188 states that the matriculation of students from community colleges into the University of California and the California State University shall be a priority of the governing boards of all public postsecondary education institutions. *Id.* § 66731 (enacted by Chapter 1188). Unlike prior law, transfers from California

Chapter 1188 also requires the governing boards to adopt as a policy the maintenance and expansion of the student transfer system so as to attain an enrollment that consists of sixty percent upper division students.[7] In order to facilitate the successful transfer of students from community colleges to the university

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Community Colleges under Chapter 1188 receive greater priority than residents who are entering the California Universities at the freshman or sophomore levels. *Id* § 66202(a)(1)-(5) (amended by Chapter 1188). Priority must also be given within each of the categories listed in section 66202 to students from historically underrepresented groups or economically disadvantaged families. *Id.* § 66202(a)(3) (amended by Chapter 1188). Such preference to underrepresented or disadvantaged groups must conform to the allowable limits of state and federal law. *Id. See* Bakke v. Regents of the Univ. of Calif., 438 U.S. 265, 320 (1978) (plurality opinion of Powell, J.) (holding that a University of California admission program violated the constitutional rights of a non-minority student who was denied enrollment in favor of a less qualified minority candidate). In reviewing *Bakke* the Supreme court held that the University's program improperly utilized race as an admission criterium, but went on to state that the use of race as a single factor in determining the admission of applicants does not, by itself, offend the Constitution. 438 U.S. at 320 (plurality opinion of Powell, J., joined by Chief Justice Burger and Justices Rehnquist, Stevens, and Stewart). *Cf.* TEX. EDUC. CODE ANN. § 70.08(d) (Vernon 1991) (requiring at least five percent of the enrollment target for the University of Texas to be reserved exclusively for minority students).

7. CAL. EDUC. CODE § 66730(a) (enacted by Chapter 1188). No admission program, however, that is adopted to increase the percentage of upper division students may deny admission to eligible freshman applicants. *Id.* Chapter 1188 states the legislature's intent in enacting this law is to ensure the availability of resources necessary to expand the public university systems so that space is available for all eligible freshmen and transfer students. *Id.* § 66202.5 (enacted by Chapter 1188). *Cf.* N.C. GEN. STAT. § 115D-4.1(a) (1990) (limiting the current enrollment and future growth of college transfer programs at community colleges). *See* Merl, *Community Colleges: Prodded by Criticism and State Law, the Schools Work to Improve Their Students' Chances of Moving to Four-Year Programs,* L.A. Times, May 19, 1991, at 6 (Sunday Home Edition) (providing statistics indicating that, in 1975, California community colleges transferred 8,002 students to the University of California and 35,537 students to California State Universities, while in 1986 the numbers dropped to 4,858 and 27,761 respectively).

systems, Chapter 1188 requires the governing boards to develop and implement transfer agreement programs.[8]

SH

Education; private postsecondary educational institutions

Education Code § 94311.1 (new); §§ 94311, 94316.1 (amended); Government Code § 11126 (amended).
AB 1440 (Archie-Hudson); 1991 STAT. Ch. 788

Existing law provides certain protections to students by regulating the practices of private postsecondary educational institutions,[1] with some exceptions, through the Maxine Waters School Reform and Student Protection Act of 1989 (Act).[2] Chapter

8. CAL. EDUC. CODE § 66738(a) (enacted by Chapter 1188). In addition, each department, school, and major in the University of California and the California State University must, with the help of community college faculty, develop discipline-specific articulation agreements and transfer program agreements. *Id.* § 66740 (enacted by Chapter 1188). Such discipline-specific agreements shall be established between the Community College Districts and at least three University of California and five California State University campuses. *Id. See* COLO. REV. STAT. § 23-1-108(7) (1988) (requiring the Commission on Higher Education to establish and enforce student transfer agreements between two-year and four-year institutions). *See also* MacDonald, *Two-Year Schools Looking For Respect From Big Colleges,* Seattle Times, April 25, 1990, § H, at 4 (outlining the barriers faced by students wishing to transfer from community colleges to four-year schools, and stating that educators have urged federal legislation which would withhold federal funds from colleges which make transferring difficult).

1. *See* CAL. EDUC. CODE § 94302(i) (West Supp. 1991) (definition of private postsecondary educational institution).

2. *Id.* §§ 94316-94319.18 (West Supp. 1991). *See id.* §§ 94316, 94316.05 (West Supp. 1991) (declaring legislative intent to be, *inter alia,* the protection of students and reputable institutions, the setting of minimum standards of accountability for student course completion and student employment, and insuring that benefits obtained by the students are commensurate with the cost of grants and loans). *See generally* Eaton, *Student Loan Program Called a Failure,* L.A. Times, May 21, 1991, § A, at 19, col. 1 (national desk) (reporting on Senate subcommittee report accusing the United States Department of Education of gross mismanagement and incompetence in policing private trade schools); Bond, *Loan Defaults Soar at Trade Schools,* 14 DAL. BUS. J. 1, 1 (Aug. 31 1990) (discussing the disproportionately high student loan default rate among students of proprietary schools); Tipton v. Secretary of Education of the United States, 1991 U.S. Dist. Lexis 9257, 102

788 adds nonprofit religious schools to the list of those exempted from the Act.[3] Chapter 788 also provides for the exception of certain educational services,[4] such as programs of three or more academic years,[5] professional license[6] and entrance examination programs,[7] programs where an employer is responsible for paying the costs,[8] and programs which cost $750 or less.[9]

Under existing law, every instructor or administrator at a private postsecondary educational institution is required to possess a certificate of authorization for service.[10] Chapter 788 specifies the requirements necessary to obtain and hold such a certificate.[11]

RCO

(June 21, 1991) (holding that under some theories federal student loan laws may not pre-empt state law, thereby allowing a suit by students of defunct trade school against student loan lenders); DeParle, *In Ruling, Hope for Students Deceived by Schools*, N.Y. Times, July 15, 1991, § A, at 11, col. 1 (national desk) (discussing the ruling in *Tipton*).

3. CAL. EDUC. CODE §94316.1(a)(3) (amended by Chapter 788). *See id.* § 94316.1(a)(1)-(2) (amended by chapter 788) (exempting 2-year degree granting schools and graduate schools).

4. *See id.* § 94302(o) (West Supp. 1991) (definition of education service).

5. *Id.* § 94316(b)(6) (West Supp. 1991).

6. *Id.* § 94316(b)(5) (West Supp. 1991).

7. *Id.* § 94316(b)(4) (West Supp. 1991).

8. *Id.* § 94316(b)(9) (West Supp. 1991).

9. *Id.* § 94316(b)(1) (West Supp. 1991).

10. *Id.* § 94311(a)(3) (amended by chapter 788). *See id.* § 94302(i) (West Supp. 1991) (definition of certificate of authorization for service).

11. *Id.* § 94311.1 (enacted by Chapter 788).

Education; special education programs--age limits

Education Code §§ 56000, 56026, 56050, 56302, 62000, 62001, 62002, 62000.45 (amended); Government Code § 7579.5 (amended).
AB 1060 (Farr); 1991 STAT. Ch. 223

Under existing law, any individual with special needs[1] who became twenty-two years of age while participating in educational programs may continue to participate for the duration of the then-current school year.[2] Chapter 223 prohibits a person reaching age twenty-two in September from participating in a program beginning in the new fiscal year.[3] Chapter 223 further provides that a person turning twenty-two during the month of October, November, or December shall be terminated from the program on December thirty-first of that year, or at the end of the term if the pupil is completing diploma requirements.[4]

JEK

1. *See* CAL. EDUC. CODE § 8208(l) (West Supp. 1991) (defining children with exceptional needs as being between birth and age 21, inclusive, and suffering anything from hearing impairment to severe handicaps).

2. *Id.* § 56026(a)(4)(A) (amended by Chapter 223).

3. *Id.* § 56026(a)(4)(B) (amended by Chapter 223). A person involved in a year-round school program who is completing diploma requirements in the term extending into the new fiscal year may complete the term. *Id.*

4. *Id.* § 56026(c)(4)(C) (amended by Chapter 223). No school district will be allowed to extend these eligibility dates based upon the individual's expected duration for completing his or her goals or objectives. *Id.* § 56026(c)(4)(D). The apparent intent of Chapter 223 is to cut costs within the budget of special education programs. *See* Mitgang, *States Examine Costs of Class for the Handicapped*, L.A. TIMES, May 5, 1991, part A, at 18, col. 1 (observing the scaling back of special education for the handicapped due to spiralling costs).

Elections

Elections; candidate funding and disclosures

Government Code §§ 89503.5, 89505.5, 89507 (repealed); § 87501 (new); §§ 85200, 85201, 87302 (amended).
AB 560 (Polanco); 1991 STAT. Ch. 1078
AB 1271 (Speier); 1991 STAT. Ch. 857

Under prior law, all candidates were required to establish a campaign contribution account from which all campaign[1] expenditures[2] were to be made.[3] Chapter 1078 creates an exception for a candidate not receiving contributions,[4] and who makes campaign expenditures of less than $1,000.00 per year.[5]

Existing law requires specified elected office holders and candidates to file statements of economic interest.[6] Chapter 857

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1. *See* CAL. GOV'T CODE § 8314(b)(2) (West Supp. 1991) (definition of campaign activity).

2. *Compare id.* § 82025 (West 1987) (definition of expenditure) *with id.* § 82031 (West 1987) (definition of independent expenditure).

3. 1990 Cal. Stat. ch. 387, sec. 1, at 683 (amending CAL. GOV'T CODE § 85201(a), (e)) (amended by Chapter 1078). The name and location of the financial institution and the number of the account must be filed with the Fair Political Practices Commission (Commission) within 10 days. CAL. GOV'T CODE § 85201(b)) (amended by Chapter 1078). All personal funds of the candidate must be deposited in this account prior to being expended on the campaign. *Id.* § 85201(d) (amended by Chapter 1078).

4. *See* CAL. GOV'T CODE § 82015 (West 1987) (definition of contribution). *Cf. id.* § 82028 (West 1987) (definition of gift).

5. *Id.* § 85201(b), (g) (amended by Chapter 1078). Payment of candidacy filing fees and statement of qualification fees are not considered in the total expenditure calculation. *Id.* § 85201(g) (amended by Chapter 1078). Candidate filing fees and statement of qualification fees need not be paid from the campaign contribution account and are not within the meaning of a contribution or loan. *Id.* §§ 85200, 85201(d)-(f) (amended by Chapter 1078).

6. *Id.* § 87500(a)-(m) (West 1987) (requiring statewide elected officers, members of the Legislature, members of the Board of Equalization, chief administrative officers, district attorneys, county counsel, members of the Board of Supervisors, city managers, city council members, city attorneys, mayors, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of planning commissions, members of California Coastal Commission, members of the Fair Political Practices Commission, Judges, court commissioners, heads of agencies, designated employees of the Legislature, and designated employees of multiple joint powers insurance agencies to file statements of economic interest). *See id.* §§ 87202(a), 87203, 87206, 87207 (West 1987 & Supp. 1991) (specifying contents of economic interest statements).

requires members of any state licensing or regulatory board, bureau or commission to file statements of economic interest.[7]

BJJ

Elections; false or forged documents in campaign advertisements

Civil Code § 3344.6 (new); Penal Code § 115.2 (new).
SB 209 (Kopp); 1991 STAT. Ch. 1051

Existing law prohibits the publication of a campaign advertisement[1] containing a signature which the publishing party knows to be unauthorized.[2] Chapter 1051 prohibits the publication, with intent to deceive, of a campaign advertisement[3] containing

7. *Id.* § 87501 (enacted by Chapter 857) (requiring filing of one original with their agency who retains a copy and forwards the original to the Commission). *See id.* § 82012 (West 1987) (definition of Commission).

1. *See* CAL. PENAL CODE § 115.1(c) (West Supp. 1991) (definition of campaign advertisement).

2. *Id.* The unauthorized use of a signature is a misdemeanor. *Id.* § 115.1(b), (f) (West Supp. 1991). An unauthorized signature expressly advocating the defeat or election of a candidate constitutes a civil cause of action. CAL. CIV. CODE § 3344.5(a) (West Supp. 1991).

3. *See* CAL. PENAL CODE § 115.2(b) (enacted by Chapter 1051) (definition of campaign advertisement). Radio and television advertisements are not subject to Chapter 1051. *Id.*

any false or forged[4] official public document.[5]

GRR

Elections; initiative petitions

Elections Code §§ 3502 (amended); § 5358 (new).
SB 424 (Kopp); 1991 STAT. Ch. 1189
Opposition: California Common Cause, Defenders of Wildlife, Natural Resources Defense Council, The Planning and Conservation League

Under existing law, before signatures may be gathered in support of an initiative[1] or referendum,[2] the proponents[3] are required to

4. *See* Lewis v. Superior Court, 217 Cal. App. 3d 379, 398, 265 Cal. Rptr. 855, 866 (1990) (holding that the definition of forgery in California Penal Code section 470 applies to schemes seeking to defraud a person of money or property, and therefore, does not apply to campaign advertisements).

5. CAL. PENAL CODE § 115.2(a) (enacted by Chapter 1051). A violation of California Penal Code section 115.2(a) is a misdemeanor punishable by a $50,000 fine, imprisonment or both. *Id.* § 115.2(d). Any candidate whose election or defeat is advocated in a campaign advertisement which violates California Penal Code section 115.2 may institute a civil action against the violator. CAL. CIV. CODE § 3344.6(a) (enacted by Chapter 1051).

1. *See* CAL. CONST. art. II, § 8 (defining an initiative as a proposal, which is accepted or rejected by the electorate, to add, amend, or repeal sections of the state constitution or a state statute). In order for an initiative to qualify to be placed on the ballot, a petition signed by a specified number of registered voters must be submitted to the Secretary of State. *Id.* § 8(b). Signatures must meet certain requirements to be valid, including that the signee is a current and eligible registered voter and that the signee give his or her address. CAL. ELEC. CODE § 41 (West Supp. 1991). Petition circulators must certify under penalty of perjury the authenticity of the signatures gathered. *Id.* § 44 (West Supp. 1991). *See generally* D. MAGLEBY, DIRECT LEGISLATION: VOTING ON BALLOT PROPOSITIONS IN THE UNITED STATES 35-76 (1984) (surveying state initiative laws and the process of qualifying an initiative for the ballot); Castello, *California Initiatives and the Single-Subject Rule*, 30 U.C.L.A. L. REV. 936 (1983) (summarizing case law and legislative history limiting initiative subject area); Fountaine, *Lousy Lawmaking: Questioning the Desirability and Constitutionality of Legislating by Initiative*, 61 S. CAL. L. REV. 733 (March 1988) (arguing that the initiative process conflicts with both policy objectives and constitutional principles which underlie our system of government).

submit a request for preparation of a title and a written summary of the referendum to the Attorney General.[4] Chapter 1189 mandates that the proponents of the initiative also submit to the Attorney General a written affidavit stating that no appropriation for an enterprise included in the measure[5] was placed there in exchange for a contribution or pledge of a contribution, in order to qualify the measure for the ballot.[6] Under Chapter 1189, if a court determines that such an appropriation was made, it shall be deemed void and the funds returned to their source.[7]

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Elections; pre-election statements--filing requirements

Government Code § 84200.5 (amended).
SB 397 (Russell); 1991 STAT. Ch. 505
Opposition: Fair Political Practices Commission

Existing law requires that all elected state officials file pre-election statements[1] during each even-numbered year.[2] Chapter

2. *See* CAL. CONST. art. II, § 9(a) (explaining that a referendum enables the electorate to approve or reject certain statutes). To qualify to be placed on the ballot, a petition bearing the specified amount of certified signatures must be presented to the Secretary of State. *Id.* § 9(b).

3. *See* CAL. ELEC. CODE § 3502 (amended by Chapter 1189) (definition of proponent).

4. *Id.*

5. *See id.* § 38 (West 1987) (definition of measure).

6. *Id.* § 3502(e) (amended by Chapter 1189). The affidavit is to be signed by each proponent under penalty of perjury. *Id.*

7. *See id.* § 5358(a), (c) (enacted by Chapter 1189) (mandating the nullification of a prohibited appropriation in the event that the initiative is passed by the voters).

1. *See* CAL. GOV'T CODE § 84211 (West Supp. 1991) (including names of donors and amounts of contributions). *See also id.* § 84200.7(a)-(b) (West 1987) (giving filing times prior to June and November elections); Socialist Workers 1974 California Campaign Committee v. Brown, 53 Cal. App. 3d 879, 888-89, 125 Cal. Rptr. 915, 921 (1975) (holding that the state's interest in preventing election corruption justifies the financial disclosure requirements). In a prosecution for an omission or misstatement of a disclosure filing, the omission or misstatement must be a material element of the report. People v. Hedgecock, 51 Cal. 3d 395, 404-07, 795 P.2d 1260, 1263-67, 272 Cal. Rptr. 803, 808-09 (1988) (ruling that in order to prosecute for misstatement or omission on a disclosure

505 limits existing law by restricting the filing requirements to candidates[3] for state office, and all state elected officials who make contributions[4] to candidates or committees[5] which are required to report their receipts, contributions or expenditures.[6]

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filing, the omission or misstatement must be a material element of the report and that materiality is based on what a reasonable person would consider a material element of the disclosure report).

2. CAL. GOV'T CODE § 84200.5 (amended by Chapter 505). In addition to pre-election statements, candidates, officers, and committees must file semi-annual financial statements. *See id.* § 84200 (West Supp. 1991) (listing exceptions to filing requirements).

3. *See id.* § 82007 (West 1977) (definition of candidate).

4. *See id.* § 82015 (West 1987) (definition of contribution).

5. *See id.* § 82013 (West 1987) (definition of committee).

6. *Id.* § 84200.5 (amended by Chapter 505). Chapter 505 also requires candidates and their committees, who are not being voted upon in the November election, to report independent expenditures. *Id.* § 84200.5(a) (amended by Chapter 505).