PDC - 2027 Proposed Legislation – Options

Issue: Current law requires registered committees to file pre-election expenditure (C-4) reports 21- and 7- days before an election in which the committee is participating. Since the state moved to mail-in voting in 2011, the election day has been replaced by an election period beginning at least 18 days before the election date. The 21/7 day reports now fall immediately before and within the voting period. These pre-election report deadlines float with the election deadline, so there is no standard calendar date for each deadline from year-to-year.

There is a considerable reporting gap in the period between the post-primary report and the 21-day pre-election report (covering September 1st through the 21-day report). PDC data shows that that campaign spending in recent years has spiked during that period. While all that activity eventually is captured in the 21-day report, the spending occurs up to several weeks before that report is due.

The 21/7 day reports must include activity up to the day before the reports are due (the 20th and 8th day respectively). Campaign treasurers have complained about the tight 24 hour turnaround, which is aggravated by the fact that the 21-day report captures all the increased early spending leading to the ballot mailings.

Committees file pre-election C-4 reports only if the committee is participating in that election, although there is no formal designation for a committee to indicate whether it is participating in the election. Committees file monthly C-4 reports outside the election period on the 10th day of each month. Those reports cover the prior month's activity and are due only if contribution/expenditure activity exceeds $750, which makes it difficult for the public (and the PDC) to know whether a committee is required to file a report in any given month.

Policy of proposed bill: To update the C-4 reporting schedule to:

1. Adjust the current pre-election C-4 schedules to synchronize with the vote-by-mail election period and capture the spending in the in the reporting gap between the primary and general election reports.
2. Create more certainty for campaigns and the public in C-4 filing deadlines.
3. Improve timely and accurate reporting by allowing more time to prepare filings.

Option 1: SB 5840 (2026) Passed Senate (46-3); Passed House State Gov Committee	**Option 2** : SB 5284 (2023) Passed Senate in 2023 (29-19) Passed House in 2023 (97-0) (passed House State Gov Committee in 2024)
Elements: Requires registered PACs to submit a "statement of participation" each January to designate if they are planning to participate in any election in that year. Eliminates the 21- and 7- day pre-election reports. Extends the monthly C-4 filing on the 10th day to apply during the election cycle, July – October. All candidates and PACs must file monthly C-4 reports throughout the year. The report simply can affirm that less than $750 was spent in that month (small expenditures do not need to be reported each month). Includes an additional filing on the 25th day of July, September, and October. The 25th day would apply to campaigns that are designated as "participating" in the election for that year. Gives campaigns an extra 24 hours (48 hours total) after the end of the reporting period to file each pre-election report.	**Elements:** [*This bill did not contain the "statement of participation" requirements, but that policy could be incorporated into this option*] Maintains the existing 21/7 pre-election reports [*Not included here*] [*Does not change current law requiring monthly C-4 reports only when $750 spending threshold is reached – but that policy could be incorporated*] Includes an additional expenditure (C-4) report due 34 days before the general election (in addition to the 21- and 7- day reports). [*Same*]
PRO: Standardizes pre-election C-4 reporting dates on the 10th and 25th calendar day, so campaigns know the reporting dates year-to-year. Maintains favorable position in all four legislative caucuses.	**PRO:** Provides the least amount of change to the current law in simply adding one pre-election report while preserving the 21- and 7- day pre-election reporting dates. Requires less administrative work to add one new reporting date to the schedule.
CON: Replacing the 7-day pre-election report with a report due on the 25th day creates a bigger gap between the final pre-election report and the election deadline. October 25th will fall between 8-14 days before the election deadline. EXAMPLE: In 2024, election day was Nov. 5th, 13 days after end of the last pre-election reporting period (October 25th report).	**CON:** Continues to tie the pre-election reporting dates to the floating election deadline, so the reporting dates change year-to-year. EXAMPLE: Election dates for the past 3 years - • November 5, 2024: 21- and 7-day reports were due October 15th & 29th

Reported expenditures by candidates and committees made between Oct. 24th and Nov. 4th, 2024: • Expenditures of more than $10,000: 339 • Expenditures of more than $20,000: 172 • Expenditures of more than $50,000: 62 Requires more administrative work to implement a new reporting schedule	• November 4, 2025: 21- and 7 day reports were due October 14th & 28th • November 3, 2026: 21- and 7-day reports are due October 13th & 27th Holds less certainty with the Legislature.