

AMENDED IN SENATE AUGUST 18, 2010

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Huffman
(Principal coauthor: Senator Ashburn)

February 27, 2009

An act to add Section 9084.1 to the Elections Code, and to amend Section 84506.5 of the Government Code, relating 84207 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as amended, Huffman. Political Reform Act of 1974: ~~campaign contributions:~~ disclosures.

Existing law, the Political Reform Act of 1974 (the PRA), requires that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure committee contain a statement that the advertisement was not authorized by the candidate. Under existing law, a knowing or willful violation of the PRA is a misdemeanor.

This bill would require that the advertisement identify the name of the independent expenditure committee that purchased it and would, for specified advertisements, additionally require that the disclosure statement identify an Internet Web site address where the committee's donors are listed. Committees that are required to file electronically

~~with the Secretary of State would be required to list the Secretary of State's Internet Web site address on their disclosure statements, and a committee that is not required to register electronically would be required to include a Uniform Resource Locator for an Internet Web site address that identifies the committee's principal officer and lists the information on donors who have contributed \$100 or more to the committee, as specified. The bill would authorize the Secretary of State to include information on how voters can determine who is funding campaigns and campaign-related communications on the ballot pamphlet, as long as it can be included without increasing the number of pages and to include a statement describing the types of campaign contributions, applicable contribution limits, and the role of independent expenditures.~~

~~Because the bill by adding requirements to the PRA, the violation of which is a crime, would expand the definition of a crime, it would impose a state-mandated local program.~~

~~*Existing law, the Political Reform Act of 1974, requires reporting of contributions made to a candidate for elective state office. Certain contributions are required to be reported to the Secretary of State within 24 hours.*~~

~~*This bill would require the Governor or a Member of the Legislature during a specified state budget time period or a specified period before or after the end of the first year or 2nd year of a legislative session to file online a report disclosing a separate contribution exceeding \$1,000 within 24 hours of the time the contribution is received. The bill would require the Fair Political Practices Commission to issue a reporting calendar by January 15 of each year which delineates the new reporting periods.*~~

~~*Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.*~~

~~*By subjecting persons who violate these provisions to criminal penalties, the 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 and compliance with specified procedural requirements.

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

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84207 is added to the Government Code,
2 to read:

3 84207. (a) Beginning January 1, 2011, in addition to any
4 other report required by this title, the Governor and any Member
5 of the Legislature who receives a contribution or contributions
6 from a person as specified in subdivision (b) shall file online or
7 electronically with the Secretary of State a report disclosing receipt
8 of each separate contribution of more than one thousand dollars
9 (\$1,000). The report shall disclose the same information required
10 by subdivision (a) of Section 84203 and shall be filed within 24
11 hours of receipt of the contribution.

12 (b) Subdivision (a) applies to contributions made as follows:

13 (1) A contribution made to the Governor or a Member of the
14 Legislature during the time period between the date in May that
15 the Director of Finance, pursuant to subdivision (d) of Section
16 13308, or a successor statute, provides to the Legislature a revised
17 estimate of the General Fund revenues for the current fiscal year
18 and the ensuing fiscal year, any proposals to reduce expenditures
19 based on that estimate, and any proposed adjustments to the
20 Governor's Budget, and the date of the enactment of the Budget
21 Bill for the fiscal year commencing the following July 1.

22 (2) A contribution made to the Governor or a Member of the
23 Legislature during the 15-day period before the date scheduled
24 for the Legislature to adjourn in joint recess to reconvene in the
25 second calendar year of the biennium of the legislative session or
26 during the 15-day period before September 1 of the second
27 calendar year of the biennium of the legislative session.

28 (3) A contribution made to the Governor during the 30-day
29 period following the date the Legislature adjourns in joint recess
30 to reconvene in the second calendar year of the biennium of the

1 legislative session or during the 30-day period following September
 2 1 of the second calendar year of the biennium of the legislative
 3 session.

4 (c) The commission shall issue a reporting calendar no later
 5 than January 15 of each year which delineates the reporting
 6 periods required by this section.

7 (d) A contribution that is required to be reported within 24
 8 hours of the receiving of that contribution pursuant to any other
 9 provision of law, is not required to be reported again pursuant to
 10 this section.

11 SEC. 2. No reimbursement is required by this act pursuant to
 12 Section 6 of Article XIII B of the California Constitution because
 13 the only costs that may be incurred by a local agency or school
 14 district will be incurred because this act creates a new crime or
 15 infraction, eliminates a crime or infraction, or changes the penalty
 16 for a crime or infraction, within the meaning of Section 17556 of
 17 the Government Code, or changes the definition of a crime within
 18 the meaning of Section 6 of Article XIII B of the California
 19 Constitution.

20 SEC. 3. The Legislature finds and declares that this bill furthers
 21 the purposes of the Political Reform Act of 1974 within the meaning
 22 of subdivision (a) of Section 81012 of the Government Code.

23 SEC. 4. This act is an urgency statute necessary for the
 24 immediate preservation of the public peace, health, or safety within
 25 the meaning of Article IV of the Constitution and shall go into
 26 immediate effect. The facts constituting the necessity are:

27 In order for state agencies to meet critical deadlines established
 28 by this legislation, it is necessary that this act take effect
 29 immediately.

30 ~~SECTION 1. The Legislature finds and declares all of the~~
 31 ~~following:~~

32 ~~(a) An independent expenditure is a political activity intended~~
 33 ~~to assist or oppose a specific candidate for office which is made~~
 34 ~~without his or her cooperation, approval, or direct knowledge;~~
 35 ~~most commonly, independent expenditures take the form of~~
 36 ~~advertising.~~

37 ~~(b) The amount of money expended on independent expenditures~~
 38 ~~communications supporting and opposing candidates for elective~~
 39 ~~office has increased exponentially over the past decade.~~

1 ~~(e) In making decisions on which candidates to vote for or~~
2 ~~against in an election, the voters rely substantially on information~~
3 ~~such as who is supporting or opposing these candidates.~~

4 ~~(d) It is vitally important to the integrity of the electoral process~~
5 ~~that the voters are informed about the identity of the persons and~~
6 ~~interests who operate committees making independent~~
7 ~~expenditures.~~

8 SEC. 2. Section 9084.1 is added to the Elections Code, to read:

9 9084.1. The Secretary of State may include information in the
10 ballot pamphlet advising voters how to identify who is funding
11 campaigns and campaign-related communications if doing so will
12 not increase the number of pages in the ballot pamphlet. The
13 Secretary of State may include a statement describing the types of
14 campaign contributions, applicable contribution limits, and the
15 role of independent expenditures.

16 SEC. 3. Section 84506.5 of the Government Code is amended
17 to read:

18 84506.5. ~~(a) An advertisement supporting or opposing a~~
19 ~~candidate that is paid for by an independent expenditure must~~
20 ~~include a statement that it was not authorized by a candidate or a~~
21 ~~committee controlled by a candidate and identify the name of the~~
22 ~~committee that purchased the advertisement. For a mass mailing~~
23 ~~advertisement or a broadcast advertisement, other than a radio~~
24 ~~broadcast, the statement shall be in substantially the following~~
25 ~~form:~~

26 -

27 ~~“NOTICE OF INDEPENDENT EXPENDITURE: This~~
28 ~~communication is neither approved nor authorized by any candidate~~
29 ~~or candidate-controlled committee. It is paid for by COMMITTEE~~
30 ~~NAME, a committee making independent expenditures. The donors~~
31 ~~to this committee are listed at www._____.”~~

32 -

33 ~~(b) For a committee filing electronically with the Secretary of~~
34 ~~State, the disclosure statement described in subdivision (a) shall~~
35 ~~list “www.sos.ca.gov” in the Internet Web site blank. For a~~
36 ~~committee that is not required to file electronically with the~~
37 ~~Secretary of State, the statement shall include in the Internet Web~~
38 ~~site blank, a Uniform Resource Locator for an Internet Web site~~
39 ~~address that lists the committee’s principal officer and the~~
40 ~~following information about all of the donors who have contributed~~

1 a cumulative amount of one hundred dollars (\$100) or more to the
2 committee making the independent expenditure: name of
3 contributor, payment type, city and state, contribution amount,
4 transaction date, and filing date. The Internet Web site shall be
5 updated to reflect filing updates. If the local agency with which
6 the committee files does not maintain an Internet Web site with
7 the donor information, the committee shall create one.

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

12 SEC. 5. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.