

AMENDED IN SENATE APRIL 17, 2013

AMENDED IN SENATE FEBRUARY 25, 2013

SENATE BILL

No. 2

Introduced by Senators Lieu and Yee

December 3, 2012

An act to amend Sections 84101, 84102, 84103, 84107, 84200, 84200.6, 84202.3, 84215, 84218, 84252, 84305.5, ~~84310~~, 84503, 84504, 84506, 84506.5, 84508, 84509, 84510, 85701, 85704, 90002, 90003, and 91013 of, to add Sections 84200.1, 84202.8, 84202.9, and 84503.5 to, to repeal Sections 84200.7, 84200.8, 84202.5, and 84202.7 of, and to repeal and add Section 84200.5 of, the Government Code, ~~and to amend Section 2872 of the Public Utilities Code~~, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 2, as amended, Lieu. Political Reform Act of 1974.

(1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. Existing law makes a knowing or willful violation of the ~~Political Reform Act of 1974~~ *act* a misdemeanor and subjects offenders to criminal penalties. The act requires elected officers, candidates, committees, and slate mailer organizations to file semiannual reports, preelection statements, and supplemental preelection statements.

This bill would repeal these reporting requirements. This bill would establish quarterly statements, monthly statements, preelection statements, postelection statements, and cumulative statements for filing, as specified.

This bill would increase the fines for improperly reporting laundered or earmarked contributions to include a fine to be deposited into the Political Disclosure, Accountability, Transparency, and Access Fund, as specified. The bill would also increase the fines and penalties imposed on campaign statements and reports that are filed late.

(2) The act also regulates advertisements, which are defined as any general or public advertisement that is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or ballot measures. The act places certain disclosure requirements on advertisements for or against any ballot measure, including that the advertisement disclose up to 2 persons who have made cumulative contributions of \$50,000 or more, as prescribed. The act places more specific disclosure requirements on broadcast or mass mailing advertisements that are paid for by independent expenditures that support or oppose a candidate or ballot measure. In addition to other penalties imposed by the act, a fine of up to triple the amount of the cost of an advertisement can be imposed on a person who violates the disclosure requirements for advertisements.

This bill would require that television, video, or audio broadcast advertisements *supporting or opposing a candidate or soliciting contributions in support of that purpose* that are authorized by a candidate include a specified disclosure statement made by the candidate.

The bill would increase to 4 the number of major donors of \$50,000 or more who must be disclosed in an advertisement by a committee for or against a ballot measure. The bill would require the name of a committee that supports or opposes a ballot measure to include the names of up to 4 major donors who have made cumulative contributions of \$50,000 or more. The bill would specify the amount of time in which a committee must update advertisement disclosures to reflect a change in the committee name that results from a change in the identity of the major donors who must be disclosed in an advertisement.

The bill would increase the maximum penalty for a violation of these provisions to 6 times the amount of the costs of the advertisement.

(3) The act regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other specified information in specified formatting. The act requires

that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk.

This bill would additionally require that a candidate or ballot measure appearing in the slate mailer as a result of a payment made by a 3rd party be designated by an “@,” and would require the notice to voters included on a slate mailer be revised to describe this new requirement. The bill would require that a slate mailer that is produced in a language other than English provide the notice to voters in that same language. The bill would require that a slate mailer provide the notice in both English and another language if a substantial portion of a slate mailer is produced in the other language.

(4) The act requires a ballot measure committee, within 30 days of designating the numerical order of propositions appearing on the ballot, to identify itself as committee for or against that numbered proposition in all required references.

This bill would reduce the amount of time in which a ballot measure committee must reference itself as a committee for or against a numbered proposition to within 10 days of designating the numerical order of propositions.

(5) The act is administered and enforced by the Fair Political Practices Commission. The act authorizes the Commission to perform discretionary investigations and audits with respect to campaign and lobbying reports and statements that are filed with the Secretary of State. The act also authorizes any person residing in the jurisdiction to sue for injunctive relief to prevent violations or compel compliance with the act.

This bill would specify that the Commission may perform audits prior to the date of the election and prior to the date that a statement or report is required to be filed. The bill would authorize a person to challenge an audit by the Commission or any order resulting from an audit by seeking a writ of mandate, which would take priority over all other civil matters. The bill would specify that the Commission is authorized to seek an injunction to prevent a violation of or compel compliance with the act.

~~(6) Under existing law, the Public Utilities Commission is responsible for regulating the use of automatic dialing-announcing devices.~~

~~This bill would also authorize the Fair Political Practices Commission to regulate the use of automatic dialing-announcing devices if the device is used to disseminate prerecorded messages that advocate support of, or opposition to, a candidate, a ballot measure, or both.~~

(7)

(6) The act makes a knowing or willful violation of its provisions a misdemeanor and subjects offenders to criminal penalties.

By expanding the scope of an existing crime, this 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.

(8)

(7) 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 2/3 vote of each house 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.

State-mandated local program: yes.

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

1 SECTION 1. Section 84101 of the Government Code is
2 amended to read:
3 84101. (a) A committee that is a committee by virtue of
4 subdivision (a) of Section 82013 shall file a statement of
5 organization. The committee shall file the original of the statement
6 of organization with the Secretary of State and shall also file a
7 copy of the statement of organization with the local filing officer,
8 if any, with whom the committee is required to file the originals
9 of its campaign reports pursuant to Section 84215. The original
10 and copy of the statement of organization shall be filed within 10
11 days after the committee has qualified as a committee. The
12 Secretary of State shall assign a number to each committee that
13 files a statement of organization and shall notify the committee of
14 the number. The Secretary of State shall send a copy of statements
15 filed pursuant to this section to the county elections official of each
16 county that he or she deems appropriate. A county elections official
17 who receives a copy of a statement of organization from the
18 Secretary of State pursuant to this section shall send a copy of the

1 statement to the clerk of each city in the county that he or she
2 deems appropriate.

3 (b) In addition to filing the statement of organization as required
4 by subdivision (a), if a committee qualifies as a committee under
5 subdivision (a) of Section 82013 before the date of an election in
6 connection with which the committee is required to file preelection
7 statements, but after the closing date of the last campaign statement
8 required to be filed before the election pursuant to Section 84200.5
9 or 84200.9, the committee shall file, by facsimile transmission,
10 guaranteed overnight delivery, or personal delivery within 24 hours
11 of qualifying as a committee, the information required to be
12 reported in the statement of organization. The information required
13 by this subdivision shall be filed with the filing officer with whom
14 the committee is required to file the originals of its campaign
15 reports pursuant to Section 84215.

16 (c) If an independent expenditure committee qualifies as a
17 committee pursuant to subdivision (a) of Section 82013 during the
18 time period described in Section 82036.5 and makes independent
19 expenditures of one thousand dollars (\$1,000) or more to support
20 or oppose a candidate or candidates for office, the committee shall
21 file, by facsimile transmission, online transmission, guaranteed
22 overnight delivery, or personal delivery within 24 hours of
23 qualifying as a committee, the information required to be reported
24 in the statement of organization. The information required by this
25 section shall be filed with the filing officer with whom the
26 committee is required to file the original of its campaign reports
27 pursuant to Section 84215, and shall be filed at all locations
28 required for the candidate or candidates supported or opposed by
29 the independent expenditures. The filings required by this section
30 are in addition to filings that may be required by Sections 84203.5
31 and 84204.

32 (d) For purposes of this section, in calculating whether one
33 thousand dollars (\$1,000) in contributions has been received,
34 payments for a filing fee or for a statement of qualifications to
35 appear in a sample ballot shall not be included if these payments
36 have been made from the candidate's personal funds.

37 SEC. 2. Section 84102 of the Government Code is amended
38 to read:

39 84102. The statement of organization required by Section
40 84101 shall include all of the following:

1 (a) The name, street address, and telephone number, if any, of
2 the committee. In the case of a sponsored committee, the name of
3 the committee shall include the name of each sponsor. Whenever
4 a committee has more than one sponsor, and the sponsors are
5 members of an industry or other identifiable group, a term
6 identifying that industry or group shall also be included in the
7 name of the committee.

8 (b) In the case of a sponsored committee, the name, street
9 address, and telephone number of each sponsor.

10 (c) The full name, street address, and telephone number, if any,
11 of the treasurer and any other principal officers. A committee with
12 more than one principal officer shall identify its principal officers
13 as follows:

14 (1) A committee with three or fewer principal officers shall
15 identify all principal officers.

16 (2) A committee with more than three principal officers shall
17 identify no fewer than three principal officers.

18 If no individual other than the treasurer is a principal officer, the
19 treasurer shall be identified as both the treasurer and the principal
20 officer.

21 (d) The full name and office sought by any candidate, and the
22 title and ballot number, if any, of any measure, that the committee
23 supports or opposes as its primary activity. A committee that does
24 not support or oppose one or more candidates or ballot measures
25 as its primary activity shall provide a brief description of its
26 political activities, including whether it supports or opposes
27 candidates or measures and whether such candidates or measures
28 have common characteristics, such as a political party affiliation.

29 (e) A statement whether the committee is independent or
30 controlled and, if it is controlled, the name of each candidate or
31 state measure proponent by which it is controlled, or the name of
32 any controlled committee with which it acts jointly. If a committee
33 is controlled by a candidate for partisan office, the controlled
34 committee shall indicate the political party, if any, with which the
35 candidate is affiliated.

36 (f) For a committee that is a committee by virtue of subdivision
37 (a) or (b) of Section 82013, the name and address of the financial
38 institution where the committee has established an account and
39 the account number.

1 (g) Such other information as shall be required by the rules or
2 regulations of the Commission consistent with the purposes and
3 provisions of this chapter.

4 SEC. 3. Section 84103 of the Government Code is amended
5 to read:

6 84103. (a) Whenever there is a change in any of the
7 information contained in a statement of organization, an
8 amendment shall be filed within 10 days to reflect the change. The
9 committee shall file the original of the amendment with the
10 Secretary of State and shall also file a copy of the amendment with
11 the local filing officer, if any, with whom the committee is required
12 to file the originals of its campaign reports pursuant to Section
13 84215.

14 (b) In addition to filing an amendment to a statement of
15 organization as required by subdivision (a), a committee as defined
16 in subdivision (a) of Section 82013 shall, by facsimile transmission,
17 online transmission, guaranteed overnight delivery, or personal
18 delivery within 24 hours, notify the filing officer with whom it is
19 required to file the originals of its campaign reports pursuant to
20 Section 84215 when the change requiring the amendment occurs
21 before the date of the election in connection with which the
22 committee is required to file a preelection statement, but after the
23 closing date of the last preelection statement required to be filed
24 for the election pursuant to Section 84200.5, if any of the following
25 information is changed:

26 (1) The name of the committee.

27 (2) The name of the treasurer or other principal officers.

28 (3) The name of any candidate or committee by which the
29 committee is controlled or with which it acts jointly.

30 The notification shall include the changed information, the date
31 of the change, the name of the person providing the notification,
32 and the committee's name and identification number.

33 A committee may file a notification online only if the appropriate
34 filing officer is capable of receiving the notification in that manner.

35 SEC. 4. Section 84107 of the Government Code is amended
36 to read:

37 84107. Within 10 days of the designation of the numerical
38 order of propositions appearing on the ballot, any committee which
39 is primarily formed to support or oppose a ballot measure, shall,
40 if supporting the measure, include the statement, "a committee for

1 Proposition _____,” or, if opposing the measure, include the
2 statement, “a committee against Proposition _____,” in any reference
3 to the committee required by law.

4 SEC. 5. Section 84200 of the Government Code is amended
5 to read:

6 84200. (a) Except as provided in subdivisions (b), (c), and (d),
7 Members of the Legislature, the Board of Administration of the
8 Public Employees’ Retirement System or Teachers’ Retirement
9 Board, and all city and county elected officers, candidates for
10 election to those offices, and committees pursuant to subdivision
11 (a) of Section 82013 that are controlled by those officers or
12 candidates shall file quarterly statements each year, as follows:

- 13 (1) No later than April 15 for the period ending March 31.
- 14 (2) No later than July 15 for the period ending June 30.
- 15 (3) No later than October 15 for the period ending September
16 30.
- 17 (4) No later than January 15 for the period ending December
18 31.

19 (b) A candidate who, during the past three months has filed a
20 declaration pursuant to Section 84206 shall not be required to file
21 a quarterly statement for that three-month period.

22 (c) Elected officers whose salaries are less than two hundred
23 dollars (\$200) a month, judges, judicial candidates, and their
24 controlled committees shall not file quarterly statements pursuant
25 to this subdivision for any three-month period in which they have
26 not made or received any contributions or made any expenditures.

27 (d) A judge who is not listed on the ballot for reelection to, or
28 recall from, any elective office during a calendar year shall not
29 file quarterly statements pursuant to this subdivision for any
30 three-month period in that year if both of the following apply:

- 31 (1) The judge has not received any contributions.
- 32 (2) The only expenditures made by the judge during the calendar
33 year are contributions from the judge’s personal funds to other
34 candidates or committees totaling less than one thousand dollars
35 (\$1,000).

36 (e) All committees pursuant to subdivision (b) or (c) of Section
37 82013 controlled by the elected officers or candidates described
38 in subdivision (a) shall file quarterly campaign statements pursuant
39 to the schedule described in subdivision (a) if they have made
40 contributions or independent expenditures, including payments to

1 a slate mailer organization, during the three-month period before
2 the closing date of the statements.

3 SEC. 6. Section 84200.1 is added to the Government Code, to
4 read:

5 84200.1. (a) (1) Except as provided in paragraph (2), during
6 each even-numbered year, the following entities shall file a monthly
7 statement no later than the 20th day after the conclusion of each
8 calendar month for the period covering that calendar month:

9 (A) A ballot measure committee.

10 (B) A slate mailer organization.

11 (C) A committee not controlled by a candidate, if the candidate
12 for whom the committee is primarily formed to support or oppose
13 will appear on the ballot for the primary or general election held
14 in that even-numbered year.

15 (D) A political party committee.

16 (E) A candidate for statewide elective office and the candidate's
17 controlled committees, if the candidate for statewide elective office
18 will appear on the ballot for the primary or general election held
19 in that even-numbered year.

20 (2) An entity identified in paragraph (1) shall not be required
21 to file a monthly statement for the period covering any month that
22 is reported, in its entirety, in a postelection statement required
23 pursuant to Section 84202.8.

24 (b) During each odd-numbered year in which an election occurs,
25 the following entities shall file a monthly statement for the period
26 covering each month in which the entity has spent one thousand
27 dollars (\$1,000) or more to support or oppose a candidate or ballot
28 measure in that election:

29 (1) A ballot measure committee primarily formed to support or
30 oppose a ballot measure appearing on the ballot for the election.

31 (2) A slate mailer organization that produces a slate mailer
32 supporting or opposing candidates or ballot measures appearing
33 on the ballot for the election.

34 (3) A committee not controlled by a candidate, if the candidate
35 for whom the committee is primarily formed to support or oppose
36 will appear on the ballot for the election.

37 (4) A political party committee.

38 (5) A candidate for statewide elective office and the candidate's
39 controlled committees, if the candidate for statewide elective office
40 will appear on the ballot for the election.

1 SEC. 7. Section 84200.5 of the Government Code is repealed.

2 SEC. 8. Section 84200.5 is added to the Government Code, to
3 read:

4 84200.5. In addition to the campaign statements required by
5 Sections 84200 and 84200.1, elected officers, candidates, and
6 committees shall file preelection statements as follows:

7 (a) Each of the following shall file a preelection statement no
8 later than 12 days before an election for the period ending 17 days
9 before the election:

10 (1) All candidates for elective office being voted upon at an
11 election, their controlled committees, and committees primarily
12 formed to support or oppose a candidate or a measure being voted
13 upon at the election.

14 (2) All elected state officers who, during the period covered by
15 the preelection statement, make a contribution to any committee.

16 (3) All candidates for an office that is not being voted upon at
17 the election, their controlled committees, and any committee
18 primarily formed to support or oppose those candidates, if, during
19 the reporting period covered by the preelection statement, the
20 candidate or committee makes an independent expenditure or
21 makes a contribution to a committee.

22 (4) A state or county general purpose committee formed
23 pursuant to subdivision (a) or (b) of Section 82013, other than a
24 political party committee as defined in Section 85205, if it makes
25 contributions or independent expenditures totaling five hundred
26 dollars (\$500) or more during the period covered by the preelection
27 statement. A state or county general purpose committee formed
28 pursuant to subdivision (c) of Section 82013 is not required to file
29 a preelection statement.

30 (5) A political party committee as defined in Section 85205, if
31 the committee receives contributions totaling one thousand dollars
32 (\$1,000) or more, or if it makes contributions or independent
33 expenditures totaling five hundred dollars (\$500) or more, during
34 the period covered by the preelection statement.

35 (6) A city general purpose committee, if it makes contributions
36 or independent expenditures totaling five hundred dollars (\$500)
37 or more in connection with a city election during the period covered
38 by the preelection statement.

39 (b) During the election period for the Board of Administration
40 of the Public Employees' Retirement System or the Teachers'

1 Retirement Board, all candidates for election to these boards, their
2 controlled committees, and committees primarily formed to support
3 or oppose the candidates, shall file a preelection statement as
4 specified in Section 84200.9.

5 (c) Each preelection statement filed pursuant to subdivision (a)
6 shall be filed by guaranteed overnight delivery service, personal
7 delivery, or online or electronic transmission with each office with
8 which the candidate or committee is required to file its next
9 campaign statement pursuant to Section 84215.

10 SEC. 9. Section 84200.6 of the Government Code is amended
11 to read:

12 84200.6. In addition to the campaign statements required by
13 Sections 84200, 84200.1, and 84200.5, all candidates and
14 committees shall file the following special statements and reports:

15 (a) *Postelection campaign statements when required by Section*
16 *84202.8.*

17 (b) *Cumulative campaign statements when required by Section*
18 *84202.9.*

19 ~~(a)~~

20 (c) Late contribution reports when required by Section 84203.

21 ~~(b)~~

22 (d) Independent expenditure reports when required by Section
23 84203.5.

24 ~~(e)~~

25 (e) Late independent expenditure reports when required by
26 Section 84204.

27 SEC. 10. Section 84200.7 of the Government Code is repealed.

28 SEC. 11. Section 84200.8 of the Government Code is repealed.

29 SEC. 12. Section 84202.3 of the Government Code is amended
30 to read:

31 84202.3. (a) In addition to the campaign statements required
32 by Section 84200.1, committees pursuant to subdivision (a) of
33 Section 82013 that are primarily formed to support or oppose the
34 qualification, passage, or defeat of a measure and proponents of a
35 state ballot measure who control a committee formed or existing
36 primarily to support the qualification, passage, or defeat of a state
37 ballot measure, shall file campaign statements on the following
38 dates:

39 (1) No later than April 30 for the period January 1 through
40 March 31.

1 (2) No later than October 31 for the period July 1 through
2 September 30.

3 (b) This section shall not apply to a committee during any period
4 in which the committee is required to file preelection statements
5 pursuant to Section 84200.5.

6 (c) This section shall not apply to a committee following the
7 election at which the measure is voted upon unless the committee
8 makes contributions or expenditures to support or oppose the
9 qualification or passage of another ballot measure.

10 SEC. 13. Section 84202.5 of the Government Code is repealed.

11 SEC. 14. Section 84202.7 of the Government Code is repealed.

12 SEC. 15. Section 84202.8 is added to the Government Code,
13 to read:

14 84202.8. In addition to the campaign statements required by
15 Sections 84200, 84200.1, and 84200.5, elected officers, candidates,
16 and committees shall file a postelection campaign statement on
17 the 20th day of the month following the month in which the
18 election occurred. The postelection campaign statement shall cover
19 the time period starting the day after the closing date of the last
20 campaign statement required to be filed prior to the election and
21 ending on the final calendar day of the month in which the election
22 occurred.

23 SEC. 16. Section 84202.9 is added to the Government Code,
24 to read:

25 84202.9. (a) During an even-numbered year, all candidates
26 for elective office to be voted upon in the statewide primary
27 election or statewide general election, their controlled committees,
28 committees formed primarily to support or oppose an elected state
29 officer or candidate for state elective office being voted upon at
30 the election, all committees formed primarily to support or oppose
31 a ballot measure to be voted upon at the statewide primary election
32 or statewide general election, and slate mailer organizations shall
33 file a cumulative campaign statement. The cumulative statement
34 shall be filed by January 31 of the year following the year of the
35 election ~~shall~~ and shall cover the time period starting January 1 of
36 the odd-numbered year preceding the election and ending
37 December 31 of the year in which the election occurred.

38 (b) For purposes of special elections and elections in
39 odd-numbered years, all candidates, their controlled committees,
40 and committees primarily formed to support or oppose a candidate

1 or ballot measure shall be required to file cumulative campaign
2 statements on a date and for a time period determined by the
3 Commission by regulation.

4 SEC. 17. Section 84215 of the Government Code is amended
5 to read:

6 84215. All candidates and elected officers and their controlled
7 committees, except as provided in subdivisions (d) and (e), shall
8 file one copy of the campaign statements required by Section 84200
9 or 84200.1 with the elections official of the county in which the
10 candidate or elected official is domiciled, as defined in subdivision
11 (b) of Section 349 of the Elections Code. In addition, campaign
12 statements shall be filed at the following places:

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

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

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

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

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

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

23 (g) If a committee is required to file campaign statements
24 required by Section 84200, 84200.1, or 84200.5 in places
25 designated in subdivisions (a) to (d), inclusive, it shall continue to
26 file these statements in those places, in addition to any other places
27 required by this title, until the end of the calendar year.

28 SEC. 18. Section 84218 of the Government Code is amended
29 to read:

30 84218. (a) A slate mailer organization shall file monthly
31 campaign statements, as specified in Section 84200.1. A slate
32 mailer organization shall also file quarterly statements in an
33 odd-numbered year, at the same time and covering the same periods
34 identified in subdivision (a) of Section 84200.

35 (b) A slate mailer organization shall file two copies of its
36 campaign reports with the clerk of the county in which it is
37 domiciled. The campaign report shall be filed by online
38 transmission if the clerk of the county authorizes filing by online
39 transmission. A slate mailer organization is domiciled at the address
40 listed on its statement of organization unless it is domiciled outside

1 California, in which case its domicile shall be deemed to be Los
2 Angeles County for purposes of this section.

3 In addition, slate mailer organizations shall file campaign reports
4 as follows:

5 (1) A slate mailer organization which produces one or more
6 slate mailers supporting or opposing candidates or measures voted
7 on in a state election, or in more than one county, shall file
8 campaign reports in the same manner as state general purpose
9 committees pursuant to subdivision (a) of Section 84215.

10 (2) A slate mailer organization which produces one or more
11 slate mailers supporting or opposing candidates or measures voted
12 on in only one county, or in more than one jurisdiction within one
13 county, shall file campaign reports in the same manner as county
14 general purpose committees pursuant to subdivision (c) of Section
15 84215.

16 (3) A slate mailer organization which produces one or more
17 slate mailers supporting or opposing candidates or measures voted
18 on in only one city shall file campaign reports in the same manner
19 as city general purpose committees pursuant to subdivision (d) of
20 Section 84215.

21 (4) Notwithstanding the above, no slate mailer organization
22 shall be required to file more than the original and one copy, or
23 two copies, of a campaign report with any one county or city clerk
24 or with the Secretary of State.

25 SEC. 19. Section 84252 of the Government Code is amended
26 to read:

27 84252. (a) A committee primarily formed to support or oppose
28 a LAFCO proposal shall file all statements required under this
29 chapter except that, in lieu of the statements required by Sections
30 84200, 84200.1, and 84202.3, the committee shall file monthly
31 campaign statements from the time circulation of a petition begins
32 until a measure is placed on the ballot or, if a measure is not placed
33 on the ballot, until the committee is terminated pursuant to Section
34 84214. The committee shall file an original and one copy of each
35 statement on the 15th day of each calendar month, covering the
36 prior calendar month, with the clerk of the county in which the
37 measure may be voted on. If the petition results in a measure that
38 is placed on the ballot, the committee thereafter shall file campaign
39 statements required by this chapter.

1 (b) In addition to any other statements required by this chapter,
2 a committee that makes independent expenditures in connection
3 with a LAFCO proposal shall file statements pursuant to Section
4 84203.5.

5 SEC. 20. Section 84305.5 of the Government Code is amended
6 to read:

7 84305.5. (a) No slate mailer organization or committee
8 primarily formed to support or oppose one or more ballot measures
9 shall send a slate mailer unless:

10 (1) The name, street address, and city of the slate mailer
11 organization or committee primarily formed to support or oppose
12 one or more ballot measures are shown on the outside of each piece
13 of slate mail and on at least one of the inserts included with each
14 piece of slate mail in no less than 8-point roman type which shall
15 be in a color or print which contrasts with the background so as
16 to be easily legible. A post office box may be stated in lieu of a
17 street address if the street address of the slate mailer organization
18 or the committee primarily formed to support or oppose one or
19 more ballot measure is a matter of public record with the Secretary
20 of State’s Political Reform Division.

21 (2) At the top or bottom of the front side or surface of at least
22 one insert or at the top or bottom of one side or surface of a
23 postcard or other self-mailer, there is a notice in at least 8-point
24 roman boldface type, which shall be in a color or print which
25 contrasts with the background so as to be easily legible, and in a
26 printed or drawn box and set apart from any other printed matter.
27 The notice shall consist of the following statement:

28
29
30 NOTICE TO VOTERS

31
32 THIS DOCUMENT WAS PREPARED BY (name of slate mailer
33 organization or committee primarily formed to support or oppose one or
34 more ballot measures), NOT AN OFFICIAL POLITICAL PARTY
35 ORGANIZATION. Appearance in this mailer does not necessarily imply
36 endorsement of others appearing in this mailer, nor does it imply
37 endorsement of, or opposition to, any issues set forth in this mailer. Each
38 item designated by an * has been paid for and authorized by the candidate
39 or ballot measure indicated. Each item designated by an @ has been paid
40 for by a person other than the candidate or ballot measure.

1 |
2 |
3 (3) The name, street address, city, and Internet Web site address,
4 if any, of the slate mailer organization or committee primarily
5 formed to support or oppose one or more ballot measures as
6 required by paragraph (1) and the notice required by paragraph
7 (2) may appear on the same side or surface of an insert.

8 (4) Each candidate and each ballot measure that has paid to
9 appear in the slate mailer is designated by an *. Each candidate
10 and ballot measure whose appearance has been paid for by a third
11 party is designated by an @. Any candidate or ballot measure that
12 has not paid to appear in the slate mailer, and whose appearance
13 has not been paid for by a third party, is not designated by an * or
14 @.

15 The * and @ required by this subdivision shall be of the same
16 type size, type style, color or contrast, and legibility as is used for
17 the name of the candidate or the ballot measure name or number
18 and position advocated to which the * or @ designation applies
19 except that in no case shall the * and @ be required to be larger
20 than 10-point boldface type. The designation shall immediately
21 follow the name of the candidate, or the name or number and
22 position advocated on the ballot measure where the designation
23 appears in the slate of candidates and measures. If there is no slate
24 listing, the designation shall appear at least once in at least 8-point
25 boldface type, immediately following the name of the candidate,
26 or the name or number and position advocated on the ballot
27 measure.

28 (5) The name of any candidate appearing in the slate mailer
29 who is a member of a political party differing from the political
30 party which the mailer appears by representation or indicia to
31 represent is accompanied, immediately below the name, by the
32 party designation of the candidate, in no less than 9-point roman
33 type which shall be in a color or print that contrasts with the
34 background so as to be easily legible. The designation shall not
35 be required in the case of candidates for nonpartisan office.

36 (6) If a slate mailer is produced entirely in a language other than
37 English, the notice to voters required pursuant to paragraph (2)
38 shall *be* produced in that language. If a substantial portion of a
39 slate mailer, as determined by the Commission by regulation, is
40 in a language other than English, the notice to voters required

1 pursuant to paragraph (2) shall be produced in both English and
2 the other language.

3 (b) For purposes of the designations required by paragraph (4)
4 of subdivision (a), the payment of any sum made reportable by
5 subdivision (c) of Section 84219 by or at the behest of a candidate
6 or committee, whose name or position appears in the mailer, to
7 the slate mailer organization or committee primarily formed to
8 support or oppose one or more ballot measures, shall constitute a
9 payment to appear, requiring the * designation. The payment shall
10 also be deemed to constitute authorization to appear in the mailer.

11 SEC. 21. ~~Section 84310 of the Government Code is amended~~
12 ~~to read:~~

13 ~~84310. (a) A candidate, committee, or slate mailer organization~~
14 ~~may not expend campaign funds, directly or indirectly, to pay for~~
15 ~~telephone calls that are similar in nature and aggregate 500 or more~~
16 ~~in number, made by an individual, or individuals, or by electronic~~
17 ~~means and that advocate support of, or opposition to, a candidate,~~
18 ~~ballot measure, or both, unless during the course of each call the~~
19 ~~name of the organization that authorized or paid for the call is~~
20 ~~disclosed to the recipient of the call. Unless the organization that~~
21 ~~authorized the call and in whose name it is placed has filing~~
22 ~~obligations under this title, and the name announced in the call~~
23 ~~either is the full name by which the organization or individual is~~
24 ~~identified in any statement or report required to be filed under this~~
25 ~~title or is the name by which the organization or individual is~~
26 ~~commonly known, the candidate, committee, or slate mailer~~
27 ~~organization that paid for the call shall be disclosed. This section~~
28 ~~shall not apply to telephone calls made by the candidate, the~~
29 ~~campaign manager, or individuals who are volunteers.~~

30 ~~(b) Campaign and ballot measure committees are prohibited~~
31 ~~from contracting with any phone bank vendor that does not disclose~~
32 ~~the information required to be disclosed by subdivision (a):~~

33 ~~(c) A candidate, committee, or slate mailer organization that~~
34 ~~pays for telephone calls as described in subdivision (a) shall~~
35 ~~maintain a record of the script of the call for the period of time set~~
36 ~~forth in Section 84104. If any of the calls qualifying under~~
37 ~~subdivision (a) were recorded messages, a copy of the recording~~
38 ~~shall be maintained for that period.~~

39 ~~(d) In addition to any requirements imposed by the Public~~
40 ~~Utilities Commission, the Commission may regulate the use of~~

1 ~~automatic dialing-announcing devices used to place telephone calls~~
2 ~~to disseminate prerecorded messages that advocate support of, or~~
3 ~~opposition to, a candidate, a ballot measure, or both.~~

4 ~~SEC. 22.~~

5 *SEC. 21.* Section 84503 of the Government Code is amended
6 to read:

7 84503. (a) Any advertisement for or against any ballot measure
8 shall include a disclosure statement identifying any person whose
9 cumulative contributions are fifty thousand dollars (\$50,000) or
10 more.

11 (b) If there are more than four donors of fifty thousand dollars
12 (\$50,000) or more, the committee is only required to disclose the
13 four highest donors in descending order, beginning with the donor
14 who has made the largest cumulative contributions. In the event
15 that more than four donors meet this disclosure threshold at
16 identical contribution levels, the four highest donors shall be
17 selected according to chronological sequence.

18 ~~SEC. 23.~~

19 *SEC. 22.* Section 84503.5 is added to the Government Code,
20 to read:

21 84503.5. (a) A television or video broadcast advertisement
22 that supports or opposes a candidate ~~or ballot measure~~ or solicits
23 contributions in support of that purpose shall, if the advertisement
24 is authorized by a candidate or an agent of the candidate, include
25 a statement in which the candidate identifies himself or herself
26 and states that the candidate has approved the message. The
27 candidate statement shall be made using an unobscured, full-screen
28 video of the candidate making the statement, or by using an
29 unobscured, full-screen, and clearly identifiable photographic
30 image of the candidate that is displayed during an audio voiceover
31 of the candidate reading the statement.

32 (b) An audio broadcast advertisement that supports or opposes
33 a candidate ~~or ballot measure~~ or solicits contributions in support
34 of that purpose shall, if the advertisement is authorized by a
35 candidate or an agent of the candidate, include an audio statement
36 in which the candidate identifies himself or herself and states that
37 the candidate has approved the message.

38 ~~SEC. 24.~~

39 *SEC. 23.* Section 84504 of the Government Code is amended
40 to read:

1 84504. (a) (1) Any committee that supports or opposes one
2 or more ballot measures shall name and identify itself using the
3 names of its major donors of fifty thousand dollars (\$50,000) or
4 more in any reference to the committee required by law, including,
5 but not limited, to its statement of organization filed pursuant to
6 Section 84101.

7 (2) Any committee that is required to include the names of its
8 major donors of fifty thousand dollars (\$50,000) or more in the
9 name of the committee shall identify the top donors, not to exceed
10 the four largest donors, in descending order starting with the donor
11 who has made the largest cumulative contribution to the committee.
12 The identification of major donors of fifty thousand dollars
13 (\$50,000) or more shall precede the identification of, or reference
14 to, any other persons who support or oppose the ballot measure.

15 (b) If the major donors of fifty thousand dollars (\$50,000) or
16 more share a common employer, the identity of the employer shall
17 also be disclosed.

18 (c) Any committee which supports or opposes a ballot measure,
19 shall print or broadcast its name as provided in this section as part
20 of any advertisement or other paid public statement.

21 (d) If candidates or their controlled committees, as a group or
22 individually, meet the contribution thresholds for a person, they
23 shall be identified by the controlling candidate's name.

24 ~~SEC. 25.~~

25 *SEC. 24.* Section 84506 of the Government Code is amended
26 to read:

27 84506. (a) An advertisement supporting or opposing a
28 candidate or ballot measure, that is paid for by an independent
29 expenditure, shall include a disclosure statement that identifies
30 both of the following:

31 (1) The name of the committee making the independent
32 expenditure.

33 (2) The names of the persons from whom the committee making
34 the independent expenditure has received its four highest
35 cumulative contributions of fifty thousand dollars (\$50,000) or
36 more during the 12-month period prior to the expenditure. If the
37 committee can show, on the basis that contributions are spent in
38 the order they are received, that contributions received from the
39 four highest contributors have been used for expenditures unrelated
40 to the candidate or ballot measure featured in the communication,

1 the committee shall disclose the contributors making the next
2 largest cumulative contributions of fifty thousand dollars (\$50,000)
3 or more.

4 (b) If an acronym is used to identify any committee names
5 required by this section, the names of any sponsoring organization
6 of the committee shall be printed on print advertisements or spoken
7 in broadcast advertisements.

8 ~~SEC. 26.~~

9 *SEC. 25.* Section 84506.5 of the Government Code is amended
10 to read:

11 84506.5. An advertisement supporting or opposing a candidate
12 that is paid for by an independent expenditure must include a
13 statement that it was an independent expenditure not authorized
14 by a candidate or a committee controlled by a candidate.

15 ~~SEC. 27.~~

16 *SEC. 26.* Section 84508 of the Government Code is amended
17 to read:

18 84508. If disclosure of four major donors is required by
19 Sections 84503 and 84506, the committee shall be required to
20 disclose, in addition to the committee name, only its highest major
21 contributor in any advertisement which is either of the following:

- 22 (a) An electronic broadcast of 15 seconds or less.
- 23 (b) A newspaper, magazine, or other public print media
24 advertisement which is 20 square inches or less.

25 ~~SEC. 28.~~

26 *SEC. 27.* Section 84509 of the Government Code is amended
27 to read:

28 84509. (a) When a committee files an amended campaign
29 statement pursuant to Section 81004.5, the committee shall change
30 its advertisements to reflect the changed disclosure information.

31 (b) If an amended campaign statement must be filed to reflect
32 a change in the name of the committee to identify a new major
33 donor of fifty thousand dollars (\$50,000) or more, then the
34 disclosure on advertisements shall be amended as follows:

35 (1) A television, radio, or other electronic media advertisement
36 shall be amended to reflect the new committee name within three
37 calendar days.

38 (2) A print media ~~advertisements~~ *advertisement*, including
39 billboards, shall be updated to reflect the new committee name

1 prior to placing a new or modified order for additional printing of
2 the advertisement.

3 ~~SEC. 29.~~

4 *SEC. 28.* Section 84510 of the Government Code is amended
5 to read:

6 84510. (a) In addition to the remedies provided for in Chapter
7 11 (commencing with Section 91000) of this title, any person who
8 violates this article is liable in a civil or administrative action
9 brought by the commission or any person for a fine up to six times
10 the cost of the advertisement, including placement costs.

11 (b) The remedies provided in subdivision (a) shall also apply
12 to any person who purposely causes any other person to violate
13 any provision of this article or who aids and abets any other person
14 in a violation.

15 (c) If a judgment is entered against the defendant or defendants
16 in an action brought under this section, the plaintiff shall receive
17 50 percent of the amount recovered. The remaining 50 percent
18 shall be deposited in the General Fund of the state. In an action
19 brought by a local civil prosecutor, 50 percent shall be deposited
20 in the account of the agency bringing the action and 50 percent
21 shall be paid to the General Fund of the state.

22 ~~SEC. 30.~~

23 *SEC. 29.* Section 85701 of the Government Code is amended
24 to read:

25 85701. Any candidate or committee that receives a contribution
26 in violation of Section 84301 shall pay to the General Fund of the
27 state the amount of the contribution and pay to the Political
28 Disclosure, Accountability, Transparency, and Access Fund a fine
29 in the amount of 15 percent of the contribution.

30 ~~SEC. 31.~~

31 *SEC. 30.* Section 85704 of the Government Code is amended
32 to read:

33 85704. A person may not make any contribution to a committee
34 on the condition or with the agreement that it will be contributed
35 to any particular candidate or ballot measure committee unless the
36 contribution is fully disclosed pursuant to Section 84302. A person
37 who makes a contribution to a committee that violates this section
38 shall pay to the General Fund of the state the amount of the
39 contribution and pay to the Political Disclosure, Accountability,

1 Transparency, and Access Fund a fine in the amount of 15 percent
2 of the contribution.

3 ~~SEC. 32.~~

4 *SEC. 31.* Section 90002 of the Government Code is amended
5 to read:

6 90002. (a) Audits and investigations of lobbying firms and
7 lobbyist employers shall be performed on a biennial basis and shall
8 cover reports filed during a period of two years.

9 (b) If a lobbying firm or lobbyist employer keeps a separate
10 account for all receipts and payments for which reporting is
11 required by this chapter, the requirement of an audit under
12 subdivision (a) of Section 90001 shall be satisfied by an audit of
13 that account and the supporting documentation required to be
14 maintained by Section 86110.

15 (c) No audit or investigation of any candidate, controlled
16 committee, or committee primarily supporting or opposing a
17 candidate or a measure in connection with a report or statement
18 required by Chapter 4 of this title, shall begin until after the last
19 date for filing the first report or statement following the general,
20 runoff or special election for the office for which the candidate
21 ran, or following the election at which the measure was adopted
22 or defeated, except that audits and investigations of statewide
23 candidates, their controlled committees, and committees primarily
24 supporting or opposing those statewide candidates who were
25 defeated in the primary election and who are not required to file
26 statements for the general election may begin after the last date
27 for filing the first report or statement following the primary
28 election. When the campaign statements or reports of a candidate,
29 controlled committee, or a committee primarily supporting or
30 opposing a candidate are audited and investigated pursuant to
31 Section 90001, the audit and investigation shall cover all campaign
32 statements and reports filed for the primary and general or special
33 or runoff elections and any previous campaign statement or report
34 filed pursuant to Section 84200, 84200.1, or 84200.5 since the last
35 election for that office, but shall exclude any statements or reports
36 which have previously been audited pursuant to Section 90001 or
37 90003. When the campaign statements or reports of a committee
38 primarily supporting or opposing a measure are audited and
39 investigated, the audit and investigation shall cover all campaign
40 statements and reports from the beginning date of the first

1 campaign statement filed by the committee in connection with the
2 measure. For all other committees, the audit and investigation shall
3 cover all campaign statements filed during the previous two
4 calendar years.

5 ~~SEC. 33.~~

6 *SEC. 32.* Section 90003 of the Government Code is amended
7 to read:

8 90003. (a) In addition to the audits and investigations required
9 by Section 90001, the Franchise Tax Board and the Commission
10 may make investigations and audits with respect to any reports or
11 statements required by Chapter 4 (commencing with Section
12 84100), Chapter 5 (commencing with Section 85100), or Chapter
13 6 (commencing with Section 86100).

14 (b) (1) Nothing in this chapter shall be construed to prohibit
15 the Commission from undertaking any audit authorized by this
16 section prior to the date of the election or prior to the date upon
17 which the report or statement is required to be filed. A candidate
18 or committee shall, during the audit, make all relevant records
19 available for immediate review by the Commission.

20 (2) A person who is subject to an audit authorized by this section
21 may contest the performance of the audit or an order issued by the
22 Commission as a result of an audit by seeking a writ of mandate.
23 Venue for the proceeding shall be exclusively in the County of
24 Sacramento. The action shall be given priority over all other civil
25 matters.

26 (3) In addition to any other remedies available to the
27 Commission, including injunctive relief pursuant to Section 91003,
28 the Commission may seek an injunction pursuant to Title 7
29 (commencing with Section 501) of Part 2 of the Code of Civil
30 Procedure to compel a person who is subject to an audit authorized
31 by this section to cooperate with the Commission in the
32 performance of the audit or to compel compliance with an order
33 of the Commission resulting from the audit. Notwithstanding any
34 other law, an appeal of an injunction issued in favor of the
35 Commission shall not result in a mandatory stay pending the
36 resolution of the appeal. A stay of an injunction pending resolution
37 of the appeal may be ordered at the discretion of the court issuing
38 the injunction.

1 ~~SEC. 34.~~

2 *SEC. 33.* Section 91013 of the Government Code is amended
3 to read:

4 91013. (a) If a person files an original statement or report after
5 the applicable deadline imposed by this title, he or she shall, in
6 addition to any other penalties or remedies established by this title,
7 be liable in the amount of thirty dollars (\$30) per day after the
8 deadline until the statement or report is filed, to the officer with
9 whom the statement or report is required to be filed. Liability need
10 not be enforced by the filing officer if, on an impartial basis, he
11 or she determines that the late filing was not willful and that
12 enforcement of the liability will not further the purposes of this
13 title, except that no liability shall be waived if a statement or report
14 is not filed within 30 days for a statement of economic interest,
15 other than a candidate's statement filed pursuant to Section 87201,
16 five days for a campaign statement required to be filed 12 days
17 before an election, and 10 days for all other statements or reports,
18 after the filing officer has sent specific written notice of the filing
19 requirement.

20 (b) If a person files a copy of a statement or report after the
21 applicable deadline imposed by this title, he or she shall, in addition
22 to any other penalties or remedies established by this title, be liable
23 in the amount of thirty dollars (\$30) per day, starting 10 days, or
24 five days in the case of a campaign statement required to be filed
25 12 days before an election, after the filing officer has sent specific
26 written notice of the filing requirement and until the statement or
27 report is filed.

28 (c) The filing officer shall deposit any funds received under this
29 section into the general fund of the jurisdiction of which he or she
30 is an officer. No liability under this section shall exceed 150 percent
31 of the cumulative amount stated in the late statement or report, or
32 one thousand dollars (\$1,000), whichever is greater.

33 ~~SEC. 35.~~ Section 2872 of the Public Utilities Code is amended
34 to read:

35 ~~2872.—(a) The connection of automatic dialing-announcing~~
36 ~~devices to a telephone line is subject to this article and to the~~
37 ~~jurisdiction, control, and regulation of the commission and, if the~~
38 ~~automatic dialing-announcing device is used to disseminate~~
39 ~~prerecorded messages that advocate support of, or opposition to,~~

1 a candidate, a ballot measure, or both, to the jurisdiction, control,
2 and regulation of the Fair Political Practices Commission.

3 ~~(b) No person shall operate an automatic dialing-announcing~~
4 ~~device except in accordance with this article. The use of such a~~
5 ~~device by any person, either individually or acting as an officer,~~
6 ~~agent, or employee of a person or corporation operating automatic~~
7 ~~dialing-announcing devices, is subject to this article.~~

8 ~~(c) No person shall operate an automatic dialing-announcing~~
9 ~~device in this state to place a call that is received by a telephone~~
10 ~~in this state during the hours between 9 p.m. and 9 a.m. California~~
11 ~~time.~~

12 ~~(d) This article does not prohibit the use of an automatic~~
13 ~~dialing-announcing device by any person exclusively on behalf of~~
14 ~~any of the following:~~

15 ~~(1) A school for purposes of contacting parents or guardians of~~
16 ~~pupils regarding attendance.~~

17 ~~(2) An exempt organization under the Bank and Corporation~~
18 ~~Tax Law (Part 11 (commencing with Section 23001) of Division~~
19 ~~2 of the Revenue and Taxation Code) for purposes of contacting~~
20 ~~its members.~~

21 ~~(3) A privately owned or publicly owned cable television system~~
22 ~~for purposes of contacting customers or subscribers regarding the~~
23 ~~previously arranged installation of facilities on the premises of the~~
24 ~~customer or subscriber.~~

25 ~~(4) A privately owned or publicly owned public utility for~~
26 ~~purposes of contacting customers or subscribers regarding the~~
27 ~~previously arranged installation of facilities on the premises of the~~
28 ~~customer or subscriber or for purposes of contacting employees~~
29 ~~for emergency actions or repairs required for public safety or to~~
30 ~~restore services.~~

31 ~~(5) A petroleum refinery, chemical processing plant, or nuclear~~
32 ~~powerplant for purposes of advising residents, public service~~
33 ~~agencies, and the news media in its vicinity of an actual or potential~~
34 ~~life-threatening emergency.~~

35 ~~(e) This article does not prohibit law enforcement agencies, fire~~
36 ~~protection agencies, public health agencies, public environmental~~
37 ~~health agencies, city or county emergency services planning~~
38 ~~agencies, or any private for-profit agency operating under contract~~
39 ~~with, and at the direction of, one or more of these agencies, from~~

1 ~~placing calls through automatic dialing-announcing devices, if~~
2 ~~those devices are used for any of the following purposes:~~

3 ~~(1) Providing public service information relating to public safety.~~

4 ~~(2) Providing information concerning police or fire emergencies.~~

5 ~~(3) Providing warnings of impending or threatened emergencies.~~

6 ~~These calls shall not be subject to Section 2874.~~

7 ~~(f) This article does not apply to any automatic~~
8 ~~dialing-announcing device that is not used to randomly or~~
9 ~~sequentially dial telephone numbers but that is used solely to~~
10 ~~transmit a message to an established business associate, customer,~~
11 ~~or other person having an established relationship with the person~~
12 ~~using the automatic dialing-announcing device to transmit the~~
13 ~~message, or to any call generated at the request of the recipient.~~

14 ~~(g) The commission may determine any question of fact arising~~
15 ~~under this section.~~

16 ~~SEC. 36.~~

17 ~~SEC. 34.~~ No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 ~~SEC. 37.~~

27 ~~SEC. 35.~~ The Legislature finds and declares that this bill
28 furthers the purposes of the Political Reform Act of 1974 within
29 the meaning of subdivision (a) of Section 81012 of the Government
30 Code.