

**Introduced by Senator Brulte
(Principal coauthor: Senator Lee)**

February 24, 1997

An act to add Section 20010 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 520, as introduced, Brulte. Elections: telephone advocacy: disclosure.

Existing law requires that any paid political advertisement that refers to an election or to any candidate for state or local elective office contained in or distributed with a newspaper bear the words "paid political advertisement," as specified.

This bill would prohibit a candidate, committee, or other organization from expending campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 1,000 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call, except as specified. The bill would provide that it shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

The bill also would prohibit campaign and ballot measure committees from contracting with any phone bank vendor that does not disclose the information required to be disclosed by this bill, and would make the violation of that prohibition

subject to the enforcement provisions of the Political Reform Act of 1974.

Existing law makes it a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of the bill.

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 with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

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 20010 is added to the Elections
 2 Code, to read:
 3 20010. (a) A candidate, committee, or other
 4 organization may not expend campaign funds, directly or
 5 indirectly, to pay for telephone calls that are similar in
 6 nature and aggregate 1,000 or more in number, made by
 7 an individual, or individuals, or by electronic means and
 8 that advocate support of, or opposition to, a candidate,
 9 ballot measure, or both, unless during the course of each
 10 call the name of the organization that authorized or paid
 11 for the call is disclosed to the recipient of the call. Unless
 12 the organization that authorized the call and in whose
 13 name it is placed is (1) either a “filer” under Title 9
 14 (commencing with Section 81000) of the Government
 15 Code and the name announced in the call is the correct
 16 name under which the organization or individual is



1 “filed” or commonly known, or (2) the name of the
2 organization or individual is accompanied by an
3 announcement of a valid, current, and publicly listed
4 telephone number where the source of the call may be
5 verified by the public, the candidate, committee, or other
6 organization that paid for the call shall be disclosed. This
7 section shall not apply to telephone calls made by the
8 candidate, the campaign manager, or individuals who are
9 volunteers.

10 (b) Campaign and ballot measure committees are
11 prohibited from contracting with any phone bank vendor
12 that does not disclose the information required to be
13 disclosed by subdivision (a). Violations of this subdivision
14 are subject to the provisions of Chapter 3 (commencing
15 with Section 83100) and Chapter 11 (commencing with
16 Section 91000) of Title 9 of the Government Code.

17 SEC. 2. The Legislature finds and declares that the
18 provisions of Section 1 of this act further the purpose of
19 the Political Reform Act of 1974 within the meaning of
20 subdivision (a) of Section 81012 of the Government Code.

21 SEC. 3. No reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because the only costs that may be incurred
24 by a local agency or school district will be incurred
25 because this act creates a new crime or infraction,
26 eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition
29 of a crime within the meaning of Section 6 of Article
30 XIII B of the California Constitution.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

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