

AMENDED IN ASSEMBLY MAY 7, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 690**

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**Introduced by Assembly ~~Member Wesson~~ Members Wesson,  
Cardenas, Longville, and Shelley  
(Coauthors: Assembly Members Ashburn, Horton, Kehoe,  
Leonard, Oropeza, and Vargas)**

February 22, 2001

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An act to add Section ~~20013 to the Elections~~ 84310 to the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 690, as amended, Wesson. Political Reform Act of 1974: campaign expenditures: telephone advocacy.

Existing provisions of the Political Reform Act of 1974 prohibit a controlled committee of a candidate from making an independent expenditure and from contributing funds to another committee for the purpose of making an independent expenditure. It also requires committees, including political party committees, that are required to file online and that make an independent expenditure during an election cycle of \$1,000 or more in connection with a candidate for elective state office, to file online or an electronic report disclosing the making of the independent expenditure within specified time periods.

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.

*The 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 ~~20013~~ is added to the Elections ~~84310~~
- 2 *is added to the Government Code*, to read:
- 3 ~~20013.~~



1 84310. (a) A candidate, committee, or other organization  
2 may not expend campaign funds, directly or indirectly, to pay for  
3 telephone calls that are similar in nature and aggregate 1,000 or  
4 more in number, made by an individual, or individuals, or by  
5 electronic means and that advocate support of, or opposition to, a  
6 candidate, ballot measure, or both, unless during the course of each  
7 call the name of the organization that authorized or paid for the call  
8 is disclosed to the recipient of the call. Unless the organization that  
9 authorized the call and in whose name it is placed is (1) either a  
10 “filer” under Title 9 (commencing with Section 81000) of the  
11 Government Code and the name announced in the call is the  
12 correct name under which the organization or individual is “filed”  
13 or commonly known, or (2) the name of the organization or  
14 individual is accompanied by an announcement of a valid, current,  
15 and publicly listed telephone number where the source of the call  
16 may be verified by the public, the candidate, committee, or other  
17 organization that paid for the call shall be disclosed. This section  
18 shall not apply to telephone calls made by the candidate, the  
19 campaign manager, or individuals who are volunteers.

20 (b) Campaign and ballot measure committees are prohibited  
21 from contracting with any phone bank vendor that does not  
22 disclose the information required to be disclosed by subdivision  
23 (a). Violations of this subdivision are subject to the provisions of  
24 Chapter 3 (commencing with Section 83100) and Chapter 11  
25 (commencing with Section 91000) ~~of Title 9 of the Government~~  
26 ~~Code.~~

27 SEC. 2. The Legislature finds and declares that the provisions  
28 of this act further the purposes of the Political Reform Act of 1974  
29 within the meaning of subdivision (a) of Section 81012 of the  
30 Government Code.

31 SEC. 3. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within  
38 the meaning of Section 6 of Article XIII B of the California  
39 Constitution.



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

5 In order that the reforms proposed by this act may take effect  
6 without delay, it is necessary that this act go into effect  
7 immediately.

