

ASSEMBLY BILL

No. 709

Introduced by Assembly Member Wolk

February 17, 2005

An act to amend Section 83124 of, and to add Section 85301.5 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as introduced, Wolk. Candidate controlled ballot measure committees.

(1) Existing law prohibits contributions to any candidate for statewide elective office, except a candidate for Governor, totaling more than \$5,000 per election, as adjusted each January of every odd-numbered year.

This bill would prohibit a person from making a contribution or contributions that exceed this limitation to any committee controlled by a candidate for elective state office that is established for the purpose of supporting or opposing state or local ballot measures during the entire period of time the candidate controls the committee. The bill would specify that if a candidate controls more than one ballot measure committee that makes expenditures in support of, or in opposition to the same ballot measure, total contributions to all the committees from the same contributor shall not exceed the contribution limitation.

(2) Under existing law, a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

This bill would apply this provision to a ballot measure committee that is primarily formed to support or oppose a ballot measure or measures and is controlled by a candidate for elective state office and would exempt from this provision a general purpose ballot measure committee.

(3) Existing provisions of the Political Reform Act of 1974 make a violation of the act subject to administrative, civil, and criminal penalties.

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

(4) 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.

(5) 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 83124 of the Government Code is
2 amended to read:

3 83124. The commission shall adjust the contribution
4 limitations and voluntary expenditure limitations provisions in
5 Sections 85301, 85301.5, 85302, 85303, and 85400 in January of
6 every odd-numbered year to reflect any increase or decrease in
7 the Consumer Price Index. Those adjustments shall be rounded to
8 the nearest one hundred dollars (\$100) for limitations on
9 contributions and one thousand dollars (\$1,000) for limitations
10 on expenditures.

11 SEC. 2. Section 85301.5 is added to the Government Code, to
12 read:

1 85301.5. (a) A ballot measure committee that is not
2 controlled by a candidate for elective state office is not subject to
3 this section. A ballot measure committee shall become subject to
4 this section once it becomes controlled by a candidate for
5 elective state office. A ballot measure committee that is
6 controlled by an individual who ceases to be a candidate, as set
7 forth in Section 82007, shall no longer subject to this section.

8 (b) Notwithstanding subdivision (c) of Section 85310, a
9 person shall not make any contribution or contributions that, in
10 the aggregate, exceed the contribution limit set forth in
11 subdivision (b) of Section 85301, to any committee controlled by
12 a candidate for elective state office that is established for the
13 purpose of supporting or opposing state or local ballot measures
14 during the entire period of time the candidate controls the
15 committee. If a candidate controls more than one ballot measure
16 committee that makes expenditures in support of, or in
17 opposition to, the same ballot measure, total contributions to all
18 the committees from the same contributor shall not exceed the
19 limit in subdivision (b) of Section 85301. A ballot measure
20 committee controlled by a candidate for elective state office shall
21 not accept any contribution prohibited by this section.

22 (c) A ballot measure committee primarily formed to support or
23 oppose a ballot measure or measures and controlled by a
24 candidate for elective state office is subject to the postelection
25 fundraising limitations of Section 85316. A general purpose
26 ballot measure committee is not subject to the postelection
27 fundraising limitations of Section 85316.

28 (d) The contribution limit applicable to a ballot measure
29 committee controlled by a candidate for elective state office
30 under this section is subject to periodic adjustment pursuant to
31 Section 83124.

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

1 SEC. 4. The Legislature finds and declares that the provisions
2 of this act further the purposes of the Political Reform Act of
3 1974 within the meaning of subdivision (a) of Section 81012 of
4 the Government Code.

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