

## Assembly Bill No. 2275

### CHAPTER 439

An act to add Section 84310 to the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor September 25, 2006. Filed with  
Secretary of State September 25, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2275, Umberg. Political Reform Act of 1974: campaign expenditures: telephone advocacy.

Existing provisions of the Political Reform Act of 1974 prohibit candidates, committees, and slate mailer organizations from sending certain mailings unless the name, street address, and city of the candidate, committee, or slate mailer organization is shown on the outside of each piece of mail in the mailing and on at least one of the inserts included within each piece of mail.

This bill would prohibit a candidate, committee, or slate mailer organization from expending campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 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.

This bill would require a candidate, committee, or slate mailer organization that pays for telephone calls to maintain a record of the script of the call, or a copy of a recorded message, for a specified period of time.

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.

Existing law makes 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 potential criminal penalties on persons who violate its provisions.

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

SECTION 1. Section 84310 is added to the Government Code, to read:

84310. (a) A candidate, committee, or slate mailer organization may not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 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. Unless the organization that authorized the call and in whose name it is placed has filing obligations under this title, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under this title or is the name by which the organization or individual is commonly known, the candidate, committee, or slate mailer organization that paid for the call shall be disclosed. This section shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

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

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

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

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