

ASSEMBLY BILL

No. 1148

Introduced by Assembly Member Brownley
(Principal coauthor: Assembly Member Fong)
(Coauthor: Senator Hancock)

February 18, 2011

An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1148, as introduced, Brownley. Political Reform Act of 1974: slate mailers.

The Political Reform Act of 1974 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 instead require that a candidate or ballot measure appearing in the slate mailer be designated by an asterisk if the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer has received payment to include the candidate or ballot measure in the slate mailer.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

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

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. 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 84305.5 of the Government Code is
2 amended to read:

3 84305.5. (a) ~~No~~A slate mailer organization or committee
4 primarily formed to support or oppose one or more ballot measures
5 shall *not* send a slate mailer unless *the slate mailer complies with*
6 *all of the following*:

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

18 (2) At the top or bottom of the front side or surface of at least
19 one insert, or at the top or bottom of one side or surface of a
20 postcard or other self-mailer, there is a notice in at least 8-point
21 roman boldface type, which shall be in a color or print ~~which~~ *that*
22 contrasts with the background so as to be easily legible, and in a

printed or drawn box and set apart from any other printed matter.
The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate
mailer organization or committee primarily formed to support
or oppose one or more ballot measures), NOT AN OFFICIAL
POLITICAL PARTY ORGANIZATION. Appearance in this
mailer does not necessarily imply endorsement of others
appearing in this mailer, nor does it imply endorsement of, or
opposition to, any issues set forth in this mailer. ~~Appearance~~
~~is paid for and authorized by (Name of slate mailer organization or committee~~
~~primarily formed to support or oppose one or more ballot measures) has~~
~~been paid to include each candidate and ballot~~
~~measure which that is designated by an *.~~

~~(3) The name, street address, and city of the slate mailer
organization or committee primarily formed to support or oppose
one or more ballot measures as required by paragraph (1) and the
notice required by paragraph (2) may appear on the same side or
surface of an insert.~~

~~(4)~~

~~(3) (A) Each candidate and each ballot measure that has paid
to appear for which the slate mailer organization or committee
primarily formed to support or oppose one or more ballot measures
has received payment to include the candidate or ballot measure
in the slate mailer is designated by an *. Any A candidate or ballot
measure that has not paid to appear for which the slate mailer
organization or committee primarily formed to support or oppose
one or more ballot measures has not received payment to include
the candidate or ballot measure in the slate mailer is shall not be
designated by an *.~~

~~(B) The * required by this subdivision paragraph shall be of
the same type size, type style, color or contrast, and legibility as
is used for the name of the candidate, or the ballot measure name
or number and position advocated, to which the * designation
applies, except that in no case shall the * be required to be larger~~

1 than 10-point boldface type. The designation shall immediately
2 follow the name of the candidate, or the name or number and
3 position advocated on the ballot measure, where the designation
4 appears in the slate of candidates and measures. If there is no slate
5 listing, the designation shall appear at least once in at least 8-point
6 boldface type, immediately following the name of the candidate,
7 or the name or number and position advocated on the ballot
8 measure.

9 (5)

10 (4) The name of ~~any~~ *a* candidate appearing in the slate mailer
11 who is a member of a political party differing from the political
12 party ~~which~~ *that* the mailer appears by representation or indicia to
13 represent is accompanied, immediately below the name, by the
14 party designation of the candidate, in no less than 9-point roman
15 type, which shall be in a color or print that contrasts with the
16 background so as to be easily legible. The designation shall not
17 be required in the case of candidates for nonpartisan office.

18 ~~(b) For purposes of the designations required by paragraph (4)~~
19 ~~of subdivision (a), the payment of any sum made reportable by~~
20 ~~subdivision (c) of Section 84219 by or at the behest of a candidate~~
21 ~~or committee, whose name or position appears in the mailer, to~~
22 ~~the slate mailer organization or committee primarily formed to~~
23 ~~support or oppose one or more ballot measures, shall constitute a~~
24 ~~payment to appear, requiring the * designation. The payment shall~~
25 ~~also be deemed to constitute authorization to appear in the mailer.~~

26 *(b) The name, street address, and city of the slate mailer*
27 *organization or committee primarily formed to support or oppose*
28 *one or more ballot measures, as required by paragraph (1) of*
29 *subdivision (a), and the notice required by paragraph (2) of*
30 *subdivision (a) may appear on the same side or surface of an insert*
31 *in the slate mailer.*

32 SEC. 2. 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 penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.

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

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