

Introduced by Senator CorreaDecember 3, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as introduced, Correa. 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 information in specified formatting. The act also requires a notice to voters in a specified type and color or print consisting of a prescribed statement be included on a side or surface of the slate mailer.

This bill would modify the font and type specifications with respect to the slate mailer organization or committee identification requirement and would revise the placement and font size and color specifications with respect to the prescribed notice to voters.

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

By making the format requirements of slate mailers more restrictive, this bill would impose a state-mandated local program.

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 2/3 vote of each house and compliance with specified procedural requirements.

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

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.

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 slate mailer organization or committee
4 primarily formed to support or oppose one or more ballot measures
5 shall send a slate mailer unless:

6 (1) The name, street address, and city of the slate mailer
7 organization or committee primarily formed to support or oppose
8 one or more ballot measures are shown on the outside of each piece
9 of slate mail and on at least one of the inserts included with each
10 piece of slate mail in no less than ~~8-point~~ *10-point black* roman
11 ~~type which shall be in a color or print which contrasts with the~~
12 *against a solid white* background so as to be easily legible. A post
13 office box may be stated in lieu of a street address if the street
14 address of the slate mailer organization or the committee primarily
15 formed to support or oppose one or more ballot measure is a matter
16 of public record with the Secretary of State's Political Reform
17 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, On each side or surface where any~~
21 ~~candidate or ballot measure that has paid to appear in the slate~~
22 ~~mailer appears, there is a notice in at least ~~8-point~~ *10-point black*~~
23 ~~roman boldface type, which shall be in a color or print which~~
24 ~~contrasts with the background~~ *against a solid white background*
25 so as to be easily legible, and in a printed or drawn box and set
26 apart from any other printed matter. The notice shall consist of the
27 following statement:

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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 each candidate and ballot measure which 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) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an *. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an *.

The * required by this subdivision 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 than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the

1 background so as to be easily legible. The designation shall not
2 be required in the case of candidates for nonpartisan office.

3 (b) For purposes of the designations required by paragraph (4)
4 of subdivision (a), the payment of any sum made reportable by
5 subdivision (c) of Section 84219 by or at the behest of a candidate
6 or committee, whose name or position appears in the mailer, to
7 the slate mailer organization or committee primarily formed to
8 support or oppose one or more ballot measures, shall constitute a
9 payment to appear, requiring the * designation. The payment shall
10 also be deemed to constitute authorization to appear in the mailer.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

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