

Introduced by Senator PavleyJanuary 8, 2014

An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of, and to add Section 12173.5 to, the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as introduced, Pavley. Elections: ballot measure contributions.

Existing law requires each campaign committee formed or existing primarily to support or oppose a statewide ballot measure to file with the Secretary of State periodic reports identifying the sources and amounts of contributions received during specified periods. Existing law, including the Political Reform Act of 1974, also specifies information required to be included in the statewide ballot pamphlet for each statewide ballot measure to be voted upon.

This bill would require the Secretary of State to post on his or her Internet Web site, for each statewide ballot measure, a list of the 10 highest contributors of \$50,000 or more who have made the largest cumulative amount of contributions to campaign committees formed or existing primarily to support or oppose that ballot measure. The bill would require the Secretary of State to update each list of contributors at specified intervals up until 2 business days before the election and to post a final version of each list by a specified date after the election. In addition, the bill would require the statewide ballot pamphlet to include a printed statement that refers voters to the Secretary of State's Internet Web site for the above-described lists of contributors.

The Political Reform Act of 1974, an initiative measure, generally 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. The act also provides that, notwithstanding this requirement, the Legislature may add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 9084 of the Elections Code is amended
2 to read:
3 9084. The ballot pamphlet shall contain all of the following:
4 (a) A complete copy of each state measure.
5 (b) A copy of the specific constitutional or statutory provision,
6 if any, that each state measure would repeal or revise.
7 (c) A copy of the arguments and rebuttals for and against each
8 state measure.
9 (d) A copy of the analysis of each state measure.
10 (e) Tables of contents, indexes, art work, graphics, and other
11 materials that the Secretary of State determines will make the ballot
12 pamphlet easier to understand or more useful for the average voter.
13 (f) A notice, conspicuously printed on the cover of the ballot
14 pamphlet, indicating that additional copies of the ballot pamphlet
15 will be mailed by the county elections official upon request.
16 (g) A written explanation of the judicial retention procedure as
17 required by Section 9083.
18 (h) The Voter Bill of Rights pursuant to Section 2300.
19 (i) (1) *If the ballot contains an election for a state measure, a*
20 *printed statement that refers voters to the Secretary of State's*
21 *Internet Web site for information about the 10 highest contributors*
22 *to primarily formed committees supporting or opposing each state*
23 *measure, as provided for in Section 12173.5 of the Government*
24 *Code.*
25 (2) *The printed statement required by paragraph (1) shall read*
26 *substantially similar to the following: "To learn who are the 10*
27 *highest contributors to committees supporting or opposing each*
28 *state measure, access the Secretary of State's Internet Web site at*
29 *[Internet Web site address]."*

1 ~~(i)~~
2 (j) If the ballot contains an election for the office of United
3 States Senator, information on candidates for United States Senator.
4 A candidate for United States Senator may purchase the space to
5 place a statement in the state ballot pamphlet that does not exceed
6 250 words. The statement may not make any reference to any
7 opponent of the candidate. The statement shall be submitted in
8 accordance with timeframes and procedures set forth by the
9 Secretary of State for the preparation of the state ballot pamphlet.

10 ~~(j)~~
11 (k) If the ballot contains a question on the confirmation or
12 retention of a justice of the Supreme Court, information on justices
13 of the Supreme Court who are subject to confirmation or retention.

14 ~~(k)~~
15 (l) If the ballot contains an election for the offices of President
16 and Vice President of the United States, a notice that refers voters
17 to the Secretary of State’s Internet Web site for information about
18 candidates for the offices of President and Vice President of the
19 United States.

20 SEC. 2. Section 9086 of the Elections Code is amended to read:
21 9086. The ballot pamphlet shall contain as to each state measure
22 to be voted upon, the following, in the order set forth in this
23 section:

24 (a) (1) Upon the top portion of the first page, and not exceeding
25 one-third of the page, shall appear:
26 (A) Identification of the measure by number and title.
27 (B) The official summary prepared by the Attorney General.
28 (C) The total number of votes cast for and against the measure
29 in both the State Senate and Assembly, if the measure was passed
30 by the Legislature.

31 (2) The space in the title and summary that is used for an
32 explanatory table prepared pursuant to paragraph (2) of subdivision
33 (e) of Section 9087 and Section 88003 of the Government Code
34 shall not be included when measuring the amount of space the
35 information described in paragraph (1) has taken for purposes of
36 determining compliance with the restriction prohibiting the
37 information described in paragraph (1) from exceeding one-third
38 of the page.

39 (b) Beginning at the top of the right page shall appear the
40 analysis prepared by the Legislative Analyst, provided that the

1 analysis fits on a single page. If it does not fit on a single page,
2 the analysis shall begin on the lower portion of the first left page
3 and shall continue on subsequent pages until it is completed.

4 (c) *Immediately below the analysis prepared by the Legislative*
5 *Analyst shall appear the printed statement that refers voters to the*
6 *Secretary of State's Internet Web site for information about the*
7 *10 highest contributors to primarily formed committees supporting*
8 *or opposing each state measure, as described in subdivision (i) of*
9 *Section 9084.*

10 (e)

11 (d) Arguments for and against the measure shall be placed on
12 the next left and right pages, respectively, following the final page
13 of the analysis of the Legislative Analyst. The rebuttals shall be
14 placed immediately below the arguments.

15 (d)

16 (e) If no argument against the measure has been submitted, the
17 argument for the measure shall appear on the right page facing the
18 analysis.

19 (e)

20 (f) The complete text of each measure shall appear at the back
21 of the pamphlet. The text of the measure shall contain the
22 provisions of the proposed measure and the existing provisions of
23 law repealed or revised by the measure. The provisions of the
24 proposed measure differing from the existing provisions of law
25 affected shall be distinguished in print, so as to facilitate
26 comparison.

27 (f)

28 (g) The following statement shall be printed at the bottom of
29 each page where arguments appear: "Arguments printed on this
30 page are the opinions of the authors, and have not been checked
31 for accuracy by any official agency."

32 SEC. 3. Section 12173.5 is added to the Government Code, to
33 read:

34 12173.5. (a) (1) The Secretary of State shall post on his or
35 her Internet Web site both of the following:

36 (A) A list of the 10 highest contributors of fifty thousand dollars
37 (\$50,000) or more who have made the largest cumulative amount
38 of contributions to primarily formed committees supporting each
39 statewide ballot measure.

1 (B) A list of the 10 highest contributors of fifty thousand dollars
2 (\$50,000) or more who have made the largest cumulative amount
3 of contributions to primarily formed committees opposing each
4 statewide ballot measure.

5 (2) Each list required by paragraph (1) shall be in order from
6 the contributor who made the largest cumulative amount of
7 contributions to the contributor who made the smallest cumulative
8 amount of contributions. If two or more contributors made an equal
9 amount of contributions, the contributor who made the most recent
10 contribution shall be placed higher on the list.

11 (3) Each list required by paragraph (1) shall reflect the
12 cumulative amount of contributions received by primarily formed
13 committees beginning 12 months before the date each committee
14 made its first expenditure to qualify, support, or oppose the
15 measure.

16 (4) If a contributor is a committee controlled by a candidate, as
17 defined in Section 82016, the name of the candidate shall be listed.

18 (5) If a contributor is a sponsored committee, as defined in
19 Section 82048.7, the name of the sponsor shall be listed.

20 (b) The Secretary of State shall update each list required by
21 subdivision (a) within five business days after the campaign
22 statement deadlines provided for in Section 84202.3, and within
23 five business days after any late contribution report filed pursuant
24 to Section 84203 if the information in the report affects the lists
25 required by subdivision (a). During the 16 days before the election
26 for each statewide ballot measure, each list required by subdivision
27 (a) shall be updated every 48 hours to include new contributions,
28 with a final update two business days before the election.

29 (c) The Secretary of State shall, within 10 business days after
30 the January 31 filing deadline provided for in subdivision (a) of
31 Section 84200, post a final version of each list required by
32 subdivision (a) for any statewide ballot measure voted on in the
33 previous calendar year.

34 (d) The Secretary of State shall post in a prominent place on
35 the homepage of his or her Internet Web site a hyperlink to the
36 lists required by subdivision (a). The Secretary of State shall
37 provide in the online version of the statewide ballot pamphlet an
38 easily accessible hyperlink to the lists required by subdivision (a).

39 (e) The definitions set forth in Chapter 2 (commencing with
40 Section 82000) of Title 9 shall apply to this section.

1 SEC. 4. Section 88001 of the Government Code is amended
 2 to read:
 3 88001. The ballot pamphlet shall contain all of the following:
 4 (a) A complete copy of each state measure.
 5 (b) A copy of the specific constitutional or statutory provision,
 6 if any, that would be repealed or revised by each state measure.
 7 (c) A copy of the arguments and rebuttals for and against each
 8 state measure.
 9 (d) A copy of the analysis of each state measure.
 10 (e) Tables of contents, indexes, art work, graphics and other
 11 materials that the Secretary of State determines will make the ballot
 12 pamphlet easier to understand or more useful for the average voter.
 13 (f) A notice, conspicuously printed on the cover of the ballot
 14 pamphlet, indicating that additional copies of the ballot pamphlet
 15 will be mailed by the county elections official upon request.
 16 (g) A written explanation of the judicial retention procedure as
 17 required by Section 9083 of the Elections Code.
 18 (h) The Voter Bill of Rights pursuant to Section 2300 of the
 19 Elections Code.
 20 (i) (1) *If the ballot contains an election for a state measure, a*
 21 *printed statement that refers voters to the Secretary of State’s*
 22 *Internet Web site for information about the 10 highest contributors*
 23 *to primarily formed committees supporting or opposing each state*
 24 *measure, as provided for in Section 12173.5.*
 25 (2) *The printed statement required by paragraph (1) shall read*
 26 *substantially similar to the following: “To learn who are the 10*
 27 *highest contributors to committees supporting or opposing each*
 28 *state measure, access the Secretary of State’s Internet Web site at*
 29 *[Internet Web site address].”*
 30 (i)
 31 (j) If the ballot contains an election for the office of United
 32 States Senator, information on candidates for United States Senator.
 33 A candidate for United States Senator may purchase the space to
 34 place a statement in the state ballot pamphlet that does not exceed
 35 250 words. The statement may not make any reference to any
 36 opponent of the candidate. The statement shall be submitted in
 37 accordance with timeframes and procedures set forth by the
 38 Secretary of State for the preparation of the state ballot pamphlet.
 39 (j)

1 (k) If the ballot contains a question as to the confirmation or
2 retention of a justice of the Supreme Court, information on justices
3 of the Supreme Court who are subject to confirmation or retention.

4 ~~(k)~~

5 (l) If the ballot contains an election for the offices of President
6 and Vice President of the United States, a notice that refers voters
7 to the Secretary of State's Internet Web site for information about
8 candidates for the offices of President and Vice President of the
9 United States.

10 ~~(l)~~

11 (m) A written explanation of the appropriate election procedures
12 for party-nominated, voter-nominated, and nonpartisan offices as
13 required by Section 9083.5 of the Elections Code.

14 SEC. 5. Section 88002 of the Government Code is amended
15 to read:

16 88002. The ballot pamphlet shall contain as to each state
17 measure to be voted upon, the following in the order set forth in
18 this section:

19 (a) (1) Upon the top portion of the first page and not exceeding
20 one-third of the page shall appear:

21 (A) The identification of the measure by number and title.

22 (B) The official summary prepared by the Attorney General.

23 (C) The total number of votes cast for and against the measure
24 in both the State Senate and Assembly if the measure was passed
25 by the Legislature.

26 (2) The space in the title and summary that is used for an
27 explanatory table prepared pursuant to paragraph (2) of subdivision
28 (e) of Section 9087 of the Elections Code and Section 88003 shall
29 not be included when measuring the amount of space the
30 information described in paragraph (1) has taken for purposes of
31 determining compliance with the restriction prohibiting the
32 information described in paragraph (1) from exceeding one-third
33 of the page.

34 (b) Beginning at the top of the right page shall appear the
35 analysis prepared by the Legislative Analyst, provided that the
36 analysis fits on a single page. If it does not fit on a single page,
37 then the analysis shall begin on the lower portion of the first left
38 page and shall continue on subsequent pages until it is completed.

39 (c) *Immediately below the analysis prepared by the Legislative*
40 *Analyst shall appear the printed statement that refers voters to the*

1 *Secretary of State's Internet Web site for information about the*
2 *10 highest contributors to primarily formed committees supporting*
3 *or opposing each state measure, as described in subdivision (i) of*
4 *Section 88001.*

5 (e)

6 (d) Arguments for and against the measure shall be placed on
7 the next left and right pages, respectively, following the page on
8 which the analysis of the Legislative Analyst ends. The rebuttals
9 shall be placed immediately below the arguments.

10 (d)

11 (e) If no argument against the measure has been submitted, the
12 argument for the measure shall appear on the right page facing the
13 analysis.

14 (e)

15 (f) The complete text of each measure shall appear at the back
16 of the pamphlet. The text of the measure shall contain the
17 provisions of the proposed measure and the existing provisions of
18 law repealed or revised by the measure. The provisions of the
19 proposed measure differing from the existing provisions of law
20 affected shall be distinguished in print, so as to facilitate
21 comparison.

22 (f)

23 (g) The following statement shall be printed at the bottom of
24 each page where arguments appear: "Arguments printed on this
25 page are the opinions of the authors and have not been checked
26 for accuracy by any official agency."

27 SEC. 6. The Legislature finds and declares that this act permits
28 or requires the inclusion of additional information in the ballot
29 pamphlet in accordance with Section 88007 of the Government
30 Code.