

AMENDED IN SENATE MAY 5, 2014  
AMENDED IN SENATE MARCH 12, 2014

**SENATE BILL**

**No. 844**

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**Introduced by Senator Pavley**  
**(Coauthors: Senators *Anderson, Block, Correa, De León,***  
***DeSaulnier, Hancock, Leno, and Padilla*)**  
(Coauthors: Assembly Members Dickinson, Garcia, and Wieckowski)

January 8, 2014

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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 amended, 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~~ *lists* of the 10 highest contributors of \$50,000 or more who have made the largest cumulative amount of contributions to *all* campaign committees *collectively that are* 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 bill would authorize the Secretary of State to adopt guidelines, regulations, or policies, as specified.*

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 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

1 to primarily formed committees supporting or opposing each state  
2 measure, as provided for in Section 12173.5 of the Government  
3 Code.

4 (2) The printed statement required by paragraph (1) shall read  
5 substantially similar to the following: “To learn who are the 10  
6 highest contributors to committees supporting or opposing each  
7 state measure, access the ‘*Top 10 Lists*’ page on the Secretary of  
8 State’s Internet Web site at [Internet Web site address].”

9 (j) If the ballot contains an election for the office of United  
10 States Senator, information on candidates for United States Senator.  
11 A candidate for United States Senator may purchase the space to  
12 place a statement in the state ballot pamphlet that does not exceed  
13 250 words. The statement may not make any reference to any  
14 opponent of the candidate. The statement shall be submitted in  
15 accordance with timeframes and procedures set forth by the  
16 Secretary of State for the preparation of the state ballot pamphlet.

17 (k) If the ballot contains a question on the confirmation or  
18 retention of a justice of the Supreme Court, information on justices  
19 of the Supreme Court who are subject to confirmation or retention.

20 (l) If the ballot contains an election for the offices of President  
21 and Vice President of the United States, a notice that refers voters  
22 to the Secretary of State’s Internet Web site for information about  
23 candidates for the offices of President and Vice President of the  
24 United States.

25 SEC. 2. Section 9086 of the Elections Code is amended to read:  
26 9086. The ballot pamphlet shall contain as to each state measure  
27 to be voted upon, the following, in the order set forth in this  
28 section:

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

31 (A) Identification of the measure by number and title.

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

33 (C) The total number of votes cast for and against the measure  
34 in both the State Senate and Assembly, if the measure was passed  
35 by the Legislature.

36 (2) The space in the title and summary that is used for an  
37 explanatory table prepared pursuant to paragraph (2) of subdivision  
38 (e) of Section 9087 and Section 88003 of the Government Code  
39 shall not be included when measuring the amount of space the  
40 information described in paragraph (1) has taken for purposes of

1 determining compliance with the restriction prohibiting the  
2 information described in paragraph (1) from exceeding one-third  
3 of the page.

4 (b) Beginning at the top of the right page shall appear the  
5 analysis prepared by the Legislative Analyst, provided that the  
6 analysis fits on a single page. If it does not fit on a single page,  
7 the analysis shall begin on the lower portion of the first left page  
8 and shall continue on subsequent pages until it is completed.

9 (c) Immediately below the analysis prepared by the Legislative  
10 Analyst shall appear the printed statement that refers voters to the  
11 Secretary of State's Internet Web site for information about the  
12 10 highest contributors to primarily formed committees supporting  
13 or opposing each state measure, as described in subdivision (i) of  
14 Section 9084.

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

19 (e) If no argument against the measure has been submitted, the  
20 argument for the measure shall appear on the right page facing the  
21 analysis.

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

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

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

35 12173.5. (a) (1) The Secretary of State shall post on his or  
36 her Internet Web site, *on a page entitled "Top 10 Lists,"* both of  
37 the following *for each statewide ballot measure:*

38 (A) A list of the 10 highest contributors of fifty thousand dollars  
39 (\$50,000) or more who have made the largest cumulative amount

1 of contributions to *all* primarily formed committees *collectively*  
2 *that are* supporting ~~each statewide ballot~~ *the* measure.

3 (B) A list of the 10 highest contributors of fifty thousand dollars  
4 (\$50,000) or more who have made the largest cumulative amount  
5 of contributions to *all* primarily formed committees *collectively*  
6 *that are* opposing ~~each statewide ballot~~ *the* measure.

7 (2) Each list required by paragraph (1) shall identify the names  
8 of the 10 contributors who have made the largest cumulative  
9 contributions to the committee, the total amount of each  
10 contributor's contributions, the employer and occupation of the  
11 contributor, if any, the city and state of the contributor, and the  
12 contributor's committee identification number, if any.

13 (3) Each list required by paragraph (1) shall be in order from  
14 the contributor who made the largest cumulative amount of  
15 contributions to the contributor who made the smallest cumulative  
16 amount of contributions. If two or more contributors made an equal  
17 amount of contributions, ~~the contributor who made the most recent~~  
18 ~~contribution shall be placed higher on the list.~~ *those contributors*  
19 *shall be listed in alphabetical order.*

20 (4) Each list required by paragraph (1) shall reflect the  
21 cumulative amount of contributions received by primarily formed  
22 committees beginning 12 months before the date each committee  
23 made its first expenditure to qualify, support, or oppose the  
24 measure.

25 (5) If a contributor is a committee controlled by a candidate, as  
26 defined in Section 82016, the name of the candidate shall be listed.

27 (6) If a contributor is a sponsored committee, as defined in  
28 Section 82048.7, the name of the sponsor shall be listed.

29 (b) *The Secretary of State shall make reasonable efforts to*  
30 *ensure that each list required by subdivision (a) does all of the*  
31 *following:*

32 (1) *Excludes any transfer of funds between two or more*  
33 *primarily formed committees for or against the same statewide*  
34 *ballot measure in order to prevent counting the funds more than*  
35 *once.*

36 (2) *Treats a contribution that is made to a primarily formed*  
37 *committee that supports or opposes more than one statewide ballot*  
38 *measure as if the contribution was made in connection with each*  
39 *statewide ballot measure the committee supports or opposes.*

1 (3) Marks the name of a contributor with an asterisk if the  
2 contributor made a contribution to a primarily formed committee  
3 that supports or opposes more than one statewide ballot measure.

4 (4) Includes, beyond the 10 highest contributors of fifty thousand  
5 dollars (\$50,000) or more, an additional contributor of fifty  
6 thousand dollars (\$50,000) or more for each contributor to a  
7 primarily formed committee that supports or opposes more than  
8 one statewide ballot measure. For each contributor whose name  
9 is marked by an asterisk pursuant to paragraph (3), the list shall  
10 be expanded to include the next highest contributor of fifty  
11 thousand dollars (\$50,000) or more.

12 (5) Includes a statement substantially similar to the following:  
13 “Note: A contributor whose name is marked by an asterisk made  
14 a contribution to a committee that simultaneously supported or  
15 opposed more than one statewide ballot measure on the [Month]  
16 [Day], [Year] ballot. In these cases, it is not possible to determine  
17 the amount of the contribution that was spent specifically on the  
18 campaign for any particular measure.”

19 ~~(b)~~

20 (c) 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 ~~(e)~~

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

35 ~~(d)~~

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

1 (f) *The Secretary of State may adopt guidelines, regulations, or*  
2 *policies necessary to implement this section. Any guidelines,*  
3 *regulations, or policies adopted pursuant to this subdivision shall*  
4 *be posted on the Secretary of State's Internet Web site.*

5 (e)

6 (g) The definitions set forth in Chapter 2 (commencing with  
7 Section 82000) of Title 9 shall apply to this section.

8 SEC. 4. Section 88001 of the Government Code is amended  
9 to read:

10 88001. The ballot pamphlet shall contain all of the following:

11 (a) A complete copy of each state measure.

12 (b) A copy of the specific constitutional or statutory provision,  
13 if any, that would be repealed or revised by each state measure.

14 (c) A copy of the arguments and rebuttals for and against each  
15 state measure.

16 (d) A copy of the analysis of each state measure.

17 (e) Tables of contents, indexes, art work, graphics, and other  
18 materials that the Secretary of State determines will make the ballot  
19 pamphlet easier to understand or more useful for the average voter.

20 (f) A notice, conspicuously printed on the cover of the ballot  
21 pamphlet, indicating that additional copies of the ballot pamphlet  
22 will be mailed by the county elections official upon request.

23 (g) A written explanation of the judicial retention procedure as  
24 required by Section 9083 of the Elections Code.

25 (h) The Voter Bill of Rights pursuant to Section 2300 of the  
26 Elections Code.

27 (i) (1) If the ballot contains an election for a state measure, a  
28 printed statement that refers voters to the Secretary of State's  
29 Internet Web site for information about the 10 highest contributors  
30 to primarily formed committees supporting or opposing each state  
31 measure, as provided for in Section 12173.5.

32 (2) The printed statement required by paragraph (1) shall read  
33 substantially similar to the following: "To learn who are the 10  
34 highest contributors to committees supporting or opposing each  
35 state measure, access the '*Top 10 Lists*' page on the Secretary of  
36 State's Internet Web site at [Internet Web site address]."

37 (j) If the ballot contains an election for the office of United  
38 States Senator, information on candidates for United States Senator.  
39 A candidate for United States Senator may purchase the space to  
40 place a statement in the state ballot pamphlet that does not exceed

1 250 words. The statement may not make any reference to any  
2 opponent of the candidate. The statement shall be submitted in  
3 accordance with timeframes and procedures set forth by the  
4 Secretary of State for the preparation of the state ballot pamphlet.

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

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

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

16 SEC. 5. Section 88002 of the Government Code is amended  
17 to read:

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

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

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

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

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

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

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

1 (c) Immediately below the analysis prepared by the Legislative  
2 Analyst shall appear the printed statement that refers voters to the  
3 Secretary of State’s Internet Web site for information about the  
4 10 highest contributors to primarily formed committees supporting  
5 or opposing each state measure, as described in subdivision (i) of  
6 Section 88001.

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

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

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

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

O