

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 5, 2014

AMENDED IN SENATE MARCH 12, 2014

SENATE BILL

No. 844

Introduced by Senator Pavley

**(Coauthors: Senators Anderson, Block, Correa, De León,
DeSaulnier, Hancock, Leno, and Padilla)**

(Coauthors: Assembly Members Dickinson, Garcia, *Gatto*, and
Wieckowski)

January 8, 2014

An act to amend Sections 9082.7 and 9086 of the Elections Code, and to amend Section 88002 of 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 state ballot pamphlet for each statewide ballot measure to be voted upon.

This bill would require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure, the total amount of reported contributions made to support or oppose a ballot measure, and a list of a committee's top 10 contributors, as specified. The bill would require the state ballot pamphlet to include for each ballot measure a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top ~~ten~~ 10 contributors.

This bill would incorporate additional changes in Section 9082.7 of the Elections Code proposed by SB 1253, that would become operative only if SB 1253 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

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 9082.7 of the Elections Code is amended
- 2 to read:
- 3 9082.7. (a) The Secretary of State shall make available the
- 4 complete state ballot pamphlet over the Internet. The online version
- 5 of the state ballot pamphlet shall contain all of the following:
- 6 (1) For each candidate listed in the pamphlet, a means to access
- 7 campaign contribution disclosure reports for the candidate that are
- 8 available online.

1 (2) For each state ballot measure listed in the pamphlet, a means
2 to access the consolidated information specified in subdivision
3 (b).

4 (b) The Secretary of State shall create an Internet Web site, or
5 use other available technology, to consolidate information about
6 each state ballot measure in a manner that is easy for voters to
7 access and understand. The information shall include all of the
8 following:

9 (1) A summary of the ballot measure's content.

10 (2) The total amount of reported contributions made in support
11 of and opposition to the ballot measure, calculated and updated as
12 follows:

13 (A) (i) The total amount of contributions in support of the ballot
14 measure shall be calculated by adding together the total amounts
15 of contributions made in support of the ballot measure and reported
16 in semiannual statements required by Section 84200 of the
17 Government Code, preelection statements required by Section
18 84200.5 of the Government Code, campaign statements required
19 by Section 84202.3 of the Government Code, and late contribution
20 reports required by Section 84203 of the Government Code, that
21 are reported within 16 days of the election at which the measure
22 will appear on the ballot.

23 (ii) The total amount of contributions in opposition to the ballot
24 measure shall be calculated by adding together the total amounts
25 of contributions made in opposition to the ballot measure and
26 reported in semiannual statements required by Section 84200 of
27 the Government Code, preelection statements required by Section
28 84200.5 of the Government Code, campaign statements required
29 by Section 84202.3 of the Government Code, and late contribution
30 reports required by Section 84203 of the Government Code, that
31 are reported within 16 days of the election at which the measure
32 will appear on the ballot.

33 (iii) For purposes of determining the total amount of reported
34 contributions pursuant to this subparagraph, the Secretary of State
35 shall, to the extent practicable with respect to committees primarily
36 formed to support or oppose a ballot measure, do both of the
37 following:

38 (I) Ensure that transfers of funds between primarily formed
39 committees are not counted twice.

1 (II) Treat a contribution made to a primarily formed committee
2 that supports or opposes more than one state ballot measure as if
3 the total amount of that contribution was made for each state ballot
4 measure that the committee supports or opposes.

5 (B) The total amount of reported contributions calculated under
6 this paragraph for each state ballot measure shall be updated not
7 later than five business days after receipt of a semiannual statement,
8 campaign statement, or preelection statement and not later than
9 two business days after receipt of a late contribution report within
10 16 days of the election at which the measure will appear on the
11 ballot.

12 (C) The total amount of reported contributions calculated under
13 this paragraph for each state ballot measure shall be accompanied
14 by an explanation that the contribution totals may be overstated
15 due to the inclusion of contributions made to committees
16 supporting or opposing more than one state ballot measure, as
17 required by subclause (II) of clause (iii) of subparagraph (A).

18 (3) A current list of the top 10 contributors supporting and
19 opposing the ballot measure, if compiled by the Fair Political
20 Practices Commission pursuant to subdivision (e) of Section 84223
21 of the Government Code.

22 (4) (A) A list of each committee primarily formed to support
23 or oppose the ballot measure, as described in Section 82047.5 of
24 the Government Code, and a means to access the sources of funding
25 reported for each committee.

26 (B) Information about the sources of contributions shall be
27 updated as new information becomes available to the public
28 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
29 with Section 81000) of the Government Code).

30 (C) If a committee identified in subparagraph (A) receives one
31 million dollars (\$1,000,000) or more in contributions for an
32 election, the Secretary of State shall provide a means to access
33 online information about the committee's top 10 contributors
34 reported to the Fair Political Practices Commission pursuant to
35 subdivision (a) of Section 84223 of the Government Code.

36 (D) Notwithstanding paragraph (1) of subdivision (c) of Section
37 84223 of the Government Code, the Fair Political Practices
38 Commission shall automatically provide any list of top 10
39 contributors created pursuant to Section 84223 of the Government

1 Code, and any subsequent updates to that list, to the Secretary of
2 State for purposes of compliance with this section.

3 *SEC. 1.5. Section 9082.7 of the Elections Code is amended to*
4 *read:*

5 9082.7. (a) The Secretary of State shall ~~disseminate~~ *make*
6 *available* the complete state ballot pamphlet over the Internet. *The*
7 *online verison of the state ballot pamphlet shall contain all of the*
8 *following:*

9 (1) *For each candidate listed in the pamphlet, a means to access*
10 *campaign contribution disclosure reports for the candidate that*
11 *are available online.*

12 (2) *For each state ballot measure listed in the pamphlet, a means*
13 *to access the consolidated information specified in subdivision*
14 *(b).*

15 (b) *The Secretary of State shall create an Internet Web site, or*
16 *use other available technology, to consolidate information about*
17 *each state ballot measure in a manner that is easy for voters to*
18 *access and understand. The information shall include all of the*
19 *following:*

20 (1) *A summary of the ballot measure's content.*

21 (2) *The total amount of reported contributions made in support*
22 *of and opposition to the ballot measure, calculated and updated*
23 *as follows:*

24 (A) (i) *The total amount of contributions in support of the ballot*
25 *measure shall be calculated by adding together the total amounts*
26 *of contributions made in support of the ballot measure and reported*
27 *in semiannual statements required by Section 84200 of the*
28 *Government Code, preelection statements required by Section*
29 *84200.5 of the Government Code, campaign statements required*
30 *by Section 84202.3 of the Government Code, and late contribution*
31 *reports required by Section 84203 of the Government Code, that*
32 *are reported within 16 days of the election at which the measure*
33 *will appear on the ballot.*

34 (ii) *The total amount of contributions in opposition to the ballot*
35 *measure shall be calculated by adding together the total amounts*
36 *of contributions made in opposition to the ballot measure and*
37 *reported in semiannual statements required by Section 84200 of*
38 *the Government Code, preelection statements required by Section*
39 *84200.5 of the Government Code, campaign statements required*
40 *by Section 84202.3 of the Government Code, and late contribution*

1 reports required by Section 84203 of the Government Code, that
2 are reported within 16 days of the election at which the measure
3 will appear on the ballot.

4 (iii) For purposes of determining the total amount of reported
5 contributions pursuant to this subparagraph, the Secretary of State
6 shall, to the extent practicable with respect to committees primarily
7 formed to support or oppose a ballot measure, do both of the
8 following:

9 (I) Ensure that transfers of funds between primarily formed
10 committees are not counted twice.

11 (II) Treat a contribution made to a primarily formed committee
12 that supports or opposes more than one state ballot measure as if
13 the total amount of that contribution was made for each state ballot
14 measure that the committee supports or opposes.

15 (B) The total amount of reported contributions calculated under
16 this paragraph for each state ballot measure shall be updated not
17 later than five business days after receipt of a semiannual
18 statement, campaign statement, or preelection statement and not
19 later than two business days after receipt of a late contribution
20 report within 16 days of the election at which the measure will
21 appear on the ballot.

22 (C) The total amount of reported contributions calculated under
23 this paragraph for each state ballot measure shall be accompanied
24 by an explanation that the contribution totals may be overstated
25 due to the inclusion of contributions made to committees supporting
26 or opposing more than one state ballot measure, as required by
27 subclause (II) of clause (iii) of subparagraph (A).

28 (3) A current list of the top 10 contributors supporting and
29 opposing the ballot measure, if compiled by the Fair Political
30 Practices Commission pursuant to subdivision (e) of Section 84223
31 of the Government Code.

32 (4) (A) A list of each committee primarily formed to support
33 or oppose the ballot measure, as described in Section 82047.5 of
34 the Government Code, and a means to access information about
35 the sources of funding reported for each committee.

36 (B) Information about the sources of contributions shall be
37 updated as new information becomes available to the public
38 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
39 with Section 81000) of the Government Code).

1 (C) *If a committee identified in subparagraph (A) receives one*
2 *million dollars (\$1,000,000) or more in contributions for an*
3 *election, the Secretary of State shall provide a means to access*
4 *online information about the committee's top 10 contributors*
5 *reported to the Fair Political Practices Commission pursuant to*
6 *subdivision (a) of Section 84223 of the Government Code.*

7 (D) *Notwithstanding paragraph (1) of subdivision (c) of Section*
8 *84223 of the Government Code, the Fair Political Practices*
9 *Commission shall automatically provide any list of top 10*
10 *contributors created pursuant to Section 84223 of the Government*
11 *Code, and any subsequent updates to that list, to the Secretary of*
12 *State for purposes of compliance with this section.*

13 (5) *Any other information deemed relevant by the Secretary of*
14 *State.*

15 SEC. 2. Section 9086 of the Elections Code is amended to read:

16 9086. The ballot pamphlet shall contain as to each state measure
17 to be voted upon, the following, in the order set forth in this
18 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) 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 and Section 88003 of the Government Code
29 shall 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 the analysis shall begin on the lower portion of the first left page
38 and shall continue on subsequent pages until it is completed.

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

1 Secretary of State’s Internet Web site for a list of committees
2 primarily formed to support or oppose a ballot measure, and
3 information on how to access the committee’s top 10 contributors.

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

8 (e) If no argument against the measure has been submitted, the
9 argument for the measure shall appear on the right page facing the
10 analysis.

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

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

22 SEC. 3. Section 88002 of the Government Code is amended
23 to read:

24 88002. The ballot pamphlet shall contain as to each state
25 measure to be voted upon, the following in the order set forth in
26 this section:

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

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

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

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

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

1 information described in paragraph (1) from exceeding one-third
2 of the page.

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

8 (c) Immediately below the analysis prepared by the Legislative
9 Analyst shall appear a printed statement that refers voters to the
10 Secretary of State’s Internet Web site for a list of committees
11 primarily formed to support or oppose a ballot measure, and
12 information on how to access the committee’s top 10 contributors.

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

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

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

31 *SEC. 4. Section 1.5 of this bill incorporates amendments to*
32 *Section 9082.7 of the Elections Code proposed by both this bill*
33 *and Senate Bill 1253. It shall only become operative if (1) both*
34 *bills are enacted and become effective on or before January 1,*
35 *2015, (2) each bill amends Section 9082.7 of the Elections Code,*
36 *and (3) this bill is enacted after Senate Bill 1253, in which case*
37 *Section 1 of this bill shall not become operative.*

38 ~~SEC. 4.~~

39 *SEC. 5.* The Legislature finds and declares that this act permits
40 or requires the inclusion of additional information in the ballot

- 1 pamphlet in accordance with Section 88007 of the Government
- 2 Code.

O