

Introduced by Senator PadillaFebruary 19, 2014

An act to add Article 6 (commencing with Section 84550) to Chapter 4 of Title 9 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1104, as introduced, Padilla. Political Reform Act of 1974: campaign communication disclosure.

The Political Reform Act of 1974 regulates certain communications, including mass mailings, slate mailers, and advertisements, by requiring those items to include specified information and disclosures.

This bill would require a candidate for elective state office, a slate mailer organization, or a committee that authorizes an expenditure for a campaign communication, as defined, to file an electronic copy of the campaign communication with the Secretary of State, as specified. The bill would require the Secretary of State to maintain an archive of the filed campaign communications and to make the campaign communications available for public inspection.

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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 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: 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. Article 6 (commencing with Section 84550) is
2 added to Chapter 4 of Title 9 of the Government Code, to read:

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Article 6. Campaign Communication Disclosures

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6 84550. (a) For purposes of this section, the following terms
7 have the following meanings:

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(1) "Campaign communication" means an advertisement, as defined in Section 84501, that advocates support for or opposition to a candidate for elective state office or a statewide ballot measure; a mass mailing, as defined in Section 82041.5, that advocates support for or opposition to a candidate for elective state office or a statewide ballot measure; or a slate mailer, as defined in Section 82048.3, that advocates support for or opposition to a candidate for elective state office or a statewide ballot measure.

(2) "Elective state office" has the same meaning as set forth in Section 82024, but does not include a member elected to the Board of Administration of the Public Employees' Retirement System or a member elected to the Teachers' Retirement Board.

(b) A candidate for elective state office, a slate mailer organization, or a committee that authorizes an expenditure for a campaign communication shall file an electronic copy of the campaign communication with the Secretary of State as follows:

(1) A campaign communication that is distributed during the period from 90 days prior to the election at which the candidate or measure that is the subject of the campaign communication will appear on the ballot to the day of the election, inclusive, shall be filed not later than 24 hours after the first distribution of the campaign communication.

(2) A campaign communication that is distributed at any time other than that described in paragraph (1) shall be filed not later

1 than five business days after the first distribution of the campaign
2 communication.

3 (c) The Secretary of State shall maintain an archive of all
4 campaign communications that are filed pursuant to this section
5 and shall make the campaign communications available for public
6 inspection.

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

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