

ASSEMBLY BILL

No. 370

Introduced by Assembly Member Brown

February 17, 2015

An act to amend Section 18350 of the Elections Code, relating to election campaigns.

LEGISLATIVE COUNSEL'S DIGEST

AB 370, as introduced, Brown. Election campaigns: candidate misrepresentation.

Existing law provides that every person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office, or in connection with the campaign of another person for nomination or election to a public office, assumes, pretends, or implies, by his or her statements or conduct, that he or she is the incumbent of a public office, or has been acting in the capacity of a public officer, when that is not the case.

This bill would specify that a person is guilty of a misdemeanor if he or she assumes, pretends, or implies by his or her campaign materials that he or she is the incumbent of a public office, or has been acting in the capacity of a public officer, when that is not the case. By expanding the activities that constitute a crime, the 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.

Vote: majority. 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 18350 of the Elections Code is amended
2 to read:
3 18350. ~~Every~~(a) A person is guilty of a misdemeanor who,
4 with intent to mislead the voters in connection with his or her
5 campaign for nomination or election to a public ~~office~~ office, or
6 in connection with the campaign of another person for nomination
7 or election to a public office, does either of the following acts:
8 ~~(a) Assume, pretend, or imply,~~
9 (1) Assumes, pretends, or implies, by his or her ~~statements or~~
10 ~~conduct~~ statements, conduct, or campaign materials, that he or
11 she is the incumbent of a public office when that is not the case.
12 ~~(b) Assume, pretend, or imply,~~
13 (2) Assumes, pretends, or implies, by his or her ~~statements or~~
14 ~~conduct~~ statements, conduct, or campaign materials, that he or
15 she is or has been acting in the capacity of a public officer when
16 that is not the case.
17 ~~Any~~
18 (b) A violation of this section may be enjoined in a civil action
19 brought by ~~any~~ a candidate for the public office involved.
20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.