

AMENDED IN ASSEMBLY MAY 21, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 700**

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**Introduced by Assembly Members Gomez and Levine**

February 25, 2015

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An act to amend Section 84511 of the Government Code, relating to the Political Reform Act of 1974, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 700, as amended, Gomez. Political Reform Act of 1974: advertisement disclosures.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. Existing law additionally imposes a disclosure statement requirement with respect to advertisements supporting or opposing a candidate or ballot measure paid for by a committee that makes an expenditure of \$5,000 or more.

This bill would require that if the advertisement is a television or video advertisement, the disclosure statement shall be shown continuously.

This bill would also state the intent of the Legislature to enact legislation that would implement a California Disclose Act.

Because a violation of the act is punishable as a misdemeanor, 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.

*This bill would declare that it is to take effect immediately as an urgency statute.*

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. It is the intent of the Legislature to enact  
 2 legislation that would implement a California Disclose Act to  
 3 ensure that advertisements that seek to persuade voters to cast a  
 4 vote in favor or against ballot measures do not mislead voters as  
 5 to who is funding the campaign that paid for the advertisement.

6 SEC. 2. Section 84511 of the Government Code is amended  
 7 to read:

8 84511. (a) This section applies to a committee that does either  
 9 of the following:

10 (1) Makes an expenditure of five thousand dollars (\$5,000) or  
 11 more to an individual for his or her appearance in an advertisement  
 12 that supports or opposes the qualification, passage, or defeat of a  
 13 ballot measure.

14 (2) Makes an expenditure of any amount to an individual for  
 15 his or her appearance in an advertisement that supports or opposes  
 16 the qualification, passage, or defeat of a ballot measure and that  
 17 states or suggests that the individual is a member of an occupation  
 18 that requires licensure, certification, or other specialized,  
 19 documented training as a prerequisite to engage in that occupation.

20 (b) A committee described in subdivision (a) shall file, within  
 21 10 days of the expenditure, a report that includes all of the  
 22 following:

1 (1) An identification of the measure that is the subject of the  
2 advertisement.

3 (2) The date of the expenditure.

4 (3) The amount of the expenditure.

5 (4) The name of the recipient of the expenditure.

6 (5) For a committee described in paragraph (2) of subdivision  
7 (a), the occupation of the recipient of the expenditure.

8 (c) An advertisement paid for by a committee described in  
9 paragraph (1) of subdivision (a) shall include a disclosure statement  
10 stating “(spokesperson’s name) is being paid by this campaign or  
11 its donors” in highly visible roman font shown continuously if the  
12 advertisement consists of printed or televised material, or spoken  
13 in a clearly audible format if the advertisement is a radio broadcast  
14 or telephonic message. If the advertisement is a television or video  
15 advertisement, the statement shall be shown continuously.

16 (d) (1) An advertisement paid for by a committee described in  
17 paragraph (2) of subdivision (a) shall include a disclosure statement  
18 stating “Persons portraying members of an occupation in this  
19 advertisement are compensated spokespersons not necessarily  
20 employed in those occupations” in highly visible roman font shown  
21 continuously if the advertisement consists of printed or televised  
22 material, or spoken in a clearly audible format if the advertisement  
23 is a radio broadcast or telephonic message.

24 (2) A committee may omit the disclosure statement required by  
25 this subdivision if all of the following are satisfied with respect to  
26 each individual identified in the report filed pursuant to subdivision  
27 (b) for that advertisement:

28 (A) The occupation identified in the report is substantially  
29 similar to the occupation portrayed in the advertisement.

30 (B) The committee maintains credible documentation of the  
31 appropriate license, certification, or other training as evidence that  
32 the individual may engage in the occupation identified in the report  
33 and portrayed in the advertisement and makes that documentation  
34 immediately available to the Commission upon request.

35 SEC. 3. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

4 SEC. 4. The Legislature finds and declares that this bill furthers  
5 the purposes of the Political Reform Act of 1974 within the  
6 meaning of subdivision (a) of Section 81012 of the Government  
7 Code.

8 SEC. 5. *This act is an urgency statute necessary for the*  
9 *immediate preservation of the public peace, health, or safety within*  
10 *the meaning of Article IV of the Constitution and shall go into*  
11 *immediate effect. The facts constituting the necessity are:*

12 *In order to protect the interests of Californians who are*  
13 *empowered with the right to vote, it is appropriate that they be*  
14 *duly informed and that their constitutional right to instruct their*  
15 *representative be protected. This purpose is best served by an*  
16 *informed electorate and an informed press. The need for greater*  
17 *transparency of campaign contributions and advertisement*  
18 *disclosures is vital to the interests of the State such that this act*  
19 *must take effect immediately.*