

AMENDED IN ASSEMBLY JULY 13, 1999

AMENDED IN ASSEMBLY JUNE 15, 1999

SENATE BILL

No. 1223

Introduced by Senator Burton

February 26, 1999

An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1223, as amended, Burton. Slate mailers.

Existing provisions of the Political Reform Act of 1974 provide that no slate mailer, as defined, shall be mailed unless, among other things, it identifies the slate mailer organization or ballot measure committee that is making the mailing in specified places on the mailer, it states that the mailer was not prepared by an official political party organization, it identifies the candidates who paid to appear in the mailer, it identifies the ballot measure committees who paid to have a ballot measure supported or opposed in the mailer and any person who made contributions to the ballot measure committee of \$50,000 or more during a specified period before the mailing, and it identifies the political party of candidates appearing in the mailer who are not from the same political party that the mailer appears to represent.

This bill would impose identical requirements on a slate mailer organization or committee formed primarily to support or oppose one or more candidates.

This bill would ~~add the requirement~~ *declare the intent of the Legislature* that a slate mailer state, as to any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or oppose by the political party that the mailer appears to represent, that the recommendation is not the official position of the political party that the mailer appears to represent. This bill would require that this information appear in the mailer in a specified location and in a specified type size.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these *criminal* penalties on certain persons who violate the provisions of the bill.

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 act may be amended by a statute that becomes effective upon approval of the voters.~~

~~This bill would require its provisions to be submitted to the voters for approval in accordance with applicable provisions of law.~~

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with 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, would therefore require a 2/3 vote.

Vote: ~~majority~~ 2/3. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84305.5 of the Government
2 Code is amended to read:



1 84305.5. (a) No slate mailer organization or
2 committee formed primarily to support or oppose one or
3 more candidates or ballot measures may send a slate
4 mailer unless:

5 (1) The name, street address, and city of the slate
6 mailer organization or committee formed primarily to
7 support or oppose one or more candidates or ballot
8 measures are shown on the outside of each piece of slate
9 mail and on each insert included with each piece of slate
10 mail in no less than 8-point roman type, which shall be in
11 a color or print that contrasts with the background so as
12 to be easily legible. A post office box may be stated in lieu
13 of a street address if the street address of the slate mailer
14 organization or the committee formed primarily to
15 support or oppose one or more candidates or ballot
16 measures is a matter of public record with the Political
17 Reform Division of the office of the Secretary of State.

18 (2) At the top of each side or surface of the slate mailer
19 or at the top of each side or surface of a postcard or other
20 self-mailer, there is a notice in at least 8-point roman
21 boldface type, which shall be in a color or print that
22 contrasts with the background so as to be easily legible,
23 and in a printed or drawn box set apart from any other
24 printed matter. The notice shall consist of the following
25 statement:

26
27
28 **NOTICE TO VOTERS**

29
30 THIS DOCUMENT WAS PREPARED BY (name of slate
31 mailer organization or committee primarily formed to
32 support or oppose one or more candidates or ballot measures),
33 NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION.
34 All candidates and ballot measures designated by \$\$\$ have
35 paid for their listing in this mailer. A listing in this mailer does
36 not necessarily imply endorsement of other candidates or
37 measures listed in this mailer.
38

1 (3) Any reference to a candidate or ballot measure
2 that has paid to be included on the slate mailer shall also
3 comply with the provisions of Section 84503 et seq.

4 (4) Each candidate and each ballot measure that has
5 paid to appear in the slate mailer is designated by \$\$\$\$. Any
6 candidate or ballot measure that has not paid to appear
7 in the slate mailer is not designated by \$\$\$\$. The \$\$\$
8 required by this subdivision shall be of the same type size,
9 type style, color or contrast, and legibility used for the
10 name of the candidate or the ballot measure name or
11 number and position advocated to which the \$\$\$
12 designation applies, except that in no case shall the \$\$\$ be
13 required to be larger than 10-point boldface type. The
14 designation shall immediately follow the name of the
15 candidate or the name or number and position advocated
16 on the ballot measure where the designation appears in
17 a slate of candidates and measures. If there is no slate
18 listing, the designation shall appear at least once, in at
19 least 8-point boldface type, immediately following the
20 name of the candidate or the name or number and
21 position advocated on the ballot measure.

22 (5) The name of any candidate appearing in the slate
23 mailer who is a nominee of a political party differing from
24 the political party which the mailer appears by
25 representation or indicia to represent is accompanied,
26 immediately below the name, by the party designation of
27 the candidate, in no less than 9-point roman type, which
28 shall be in a color or print that contrasts with the
29 background so as to be easily legible. The designation
30 shall not be required in the case of candidates for
31 nonpartisan offices.

32 (6) ~~Any~~ *It is the intent of the Legislature that any*
33 recommendation in the slate mailer to support or oppose
34 a ballot measure or to support a candidate that is different
35 from the official recommendation to support or oppose
36 by the political party which the mailer appears by
37 representation or indicia to represent is accompanied,
38 immediately below the ballot measure or candidate
39 recommendation in the slate mailer, in no less than
40 9-point roman boldface type, which shall be in a color or



1 print that contrasts with the background so as to be easily
2 legible, the following notice: THIS IS NOT THE
3 OFFICIAL POSITION OF THE (political party which
4 the slate mailer appears by representation or indicia to
5 represent) PARTY.

6 (b) For purposes of the designations required by
7 paragraph (4) of subdivision (a), the payment of any sum
8 made reportable by subdivision (c) of Section 84219 by or
9 at the behest of a candidate or committee whose name or
10 position appears in the mailer to the slate mailer
11 organization or committee primarily formed to support
12 or oppose one or more candidates or ballot measures shall
13 constitute a payment to appear, requiring the \$\$\$
14 designation. The payment shall also be deemed to
15 constitute authorization to appear in the mailer.

16 (c) A slate mailer that complies with this section shall
17 be deemed to satisfy the requirements of Sections 20003
18 and 20004 of the Elections Code.

19 ~~SEC. 2. This act shall be submitted to the voters for~~
20 ~~approval in accordance with subdivision (b) of Section~~
21 ~~81012 of the Government Code and the applicable~~
22 ~~provisions of the Elections Code.~~

23 *SEC. 2. No reimbursement is required by this act*
24 *pursuant to Section 6 of Article XIII B of the California*
25 *Constitution because the only costs that may be incurred*
26 *by a local agency or school district will be incurred*
27 *because this act creates a new crime or infraction,*
28 *eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section*
30 *17556 of the Government Code, or changes the definition*
31 *of a crime within the meaning of Section 6 of Article*
32 *XIII B of the California Constitution.*

33 *SEC. 3. The Legislature finds and declares that the*
34 *provisions of this act further the purposes of the Political*
35 *Reform Act of 1974 within the meaning of subdivision (a)*
36 *of Section 81012 of the Government Code.*

