

ASSEMBLY BILL

No. 1391

Introduced by Assembly Member Leno

February 22, 2005

An act to amend Sections 82027.5 and 82048.7 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1391, as introduced, Leno. Campaign disclosure

(1) Existing law defines a general purpose committee as a committee established pursuant to specified statutes and that is formed or exists primarily to support or oppose more than one candidate or ballot measure. Existing law further defines a state general purpose committee as a committee to support or oppose candidates voted on in a state election, a county general purpose committee as a committee to support or oppose candidates or measures voted on in only one county, and city general purpose committee as a committee to support or oppose candidates voted on in only one city.

This bill would instead define a state general purpose committee as a committee that is not a county or city general purpose committee, or a committee that makes expenditures to support or oppose candidates or measures voted on in a state election, or in more than one county, including contributions to state general purpose committees, which total more than 50 percent of the contributions and independent expenditures made by the committee.

The bill would instead define a county general purpose committee as a committee whose expenditures to support or oppose candidates or measures voted on in only one county or more than one jurisdiction within one county, including contributions to county general purpose

committees in the same county, total more than 50 percent of the contributions and independent expenditures made by the committee.

The bill would instead define a city general purpose committee as a committee whose expenditures to support or oppose candidates or measures voted on in only one city or in one consolidated city and county, including contributions to county general purpose committees in the same city or the same consolidated city and county, total more than 50 percent of the contributions and independent expenditures made by the committee.

This bill would make other technical changes to existing law.

(2) 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 penalties on persons who violate the provisions of this bill.

(3) 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.

(4) 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, which would declare that it furthers the purposes of the act, would therefore require a 2/3 vote.

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. Section 82027.5 of the Government Code is
- 2 amended to read:
- 3 82027.5. (a) "General purpose committee" means all
- 4 committees pursuant to subdivision (b) or (c) of Section 82013,
- 5 and any committee pursuant to subdivision (a) of Section 82013
- 6 which is formed or exists primarily to support or oppose more
- 7 than one candidate or ballot measure, except as provided in
- 8 Section 82047.5.

1 (b) A “state general purpose committee” is a ~~political party~~
2 ~~committee, as defined in Section 85205, or a committee~~
3 *committee that meets one of the following requirements:*

4 (1) *Is not a county general purpose committee, as defined in*
5 *subdivision (c), or a city general purpose committee, as defined*
6 *in subdivision (d).*

7 (2) *Make expenditures to support or oppose candidates or*
8 *measures voted on in a state election, or in more than one county,*
9 *including making contributions to state general purpose*
10 *committees that total more than 50 percent of the contributions*
11 *and independent expenditures made by the committee.*

12 (c) A “county general purpose committee” is a committee
13 *whose expenditures to support or oppose candidates or measures*
14 *voted on in only one county, or in more than one jurisdiction*
15 *within one county, including contributions to county general*
16 *purpose committees in the same county that total more than 50*
17 *percent of the contributions and independent expenditures made*
18 *by the committee.*

19 (d) A “city general purpose committee” is a committee to
20 support or oppose candidates or measures voted on in only one
21 city, *or in one consolidated city and county, including*
22 *contributions to city general purpose committees in the same city*
23 *or the same consolidated city and county that total more than 50*
24 *percent of the contributions and independent expenditures made*
25 *by the committee.*

26 (e) *For purposes of calculating the percentage set out in*
27 *subdivisions (b) to (d), inclusive, contributions and expenditures*
28 *made to support or oppose candidates, measures, or committees*
29 *during the current calendar year and the previous calendar year*
30 *will be counted. The percentage will be calculate at the end of*
31 *each campaign statement. A committee, as defined in Section*
32 *82013, is not required to count contributions or expenditures*
33 *made during a prior calendar year in which the committee was*
34 *not required to file campaign statements.*

35 SEC. 2. Section 82048.7 of the Government Code is amended
36 to read:

37 82048.7. (a) “Sponsored committee” means a committee,
38 other than a candidate controlled committee, which has one or
39 more sponsors. Any person, except a candidate or other
40 individual, may sponsor a committee.

1 (b) A person sponsors a committee if any of the following
2 apply:

3 (1) The committee receives 80 percent or more of its
4 contributions from the person or its members, officers,
5 employees, or shareholders.

6 (2) The person collects contributions for the committee by use
7 of payroll deductions or dues from its members, officers, or
8 employees.

9 (3) The person, alone or in combination with other
10 organizations, provides all or nearly all of the administrative
11 services for the committee.

12 (4) The person, alone or in combination with other
13 organizations, sets the policies for soliciting contributions or
14 making expenditures of committee funds.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the
20 penalty for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition of a
22 crime within the meaning of Section 6 of Article XIII B of the
23 California Constitution.

24 SEC. 4. The Legislature finds and declares that the provisions
25 of this act further the purposes of the Political Reform Act of
26 1974 within the meaning of subdivision (a) of Section 81012 of
27 the Government Code.