

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

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 amended, Leno. Campaign disclosure: *general purpose committees*.

(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 or in more than one county.~~

This bill would instead ~~define~~ *exclude from the definition of* a state general purpose committee ~~as a committee that is not a county or city general purpose committee, or~~ *and limit the definition to* 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 that~~ total more than ~~50 percent~~ *50%* of the contributions and independent expenditures made by the committee.

Existing law defines a county general purpose committee as a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within the county.

~~The~~ This bill would instead ~~define~~ limit the definition of a county general purpose committee ~~as to a committee whose~~ that makes 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, that total more than ~~50 percent~~ 50% of the contributions and independent expenditures made by the committee.

Existing law defines a city general purpose committee as a committee to support or oppose candidates voted on in only one city.

~~The~~ This bill would instead ~~define~~ limit the definition of a city general purpose committee ~~as to a committee whose~~ that makes 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, that total more than ~~50 percent~~ 50% of the contributions and independent expenditures made by the committee.

This bill would set forth the procedure for calculating the percentage of contributions and independent expenditure made by a committee, and 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: $\frac{2}{3}$. 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.

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

12 (1) Is not a county general purpose committee, as defined in
13 subdivision (c), or a city general purpose committee, as defined
14 in subdivision (d).

15 (2) ~~Make~~ *Makes* expenditures to support or oppose candidates
16 or measures voted on in a state election, or in more than one
17 county, including making contributions to state general purpose
18 committees, that total more than 50 percent of the contributions
19 and independent expenditures made by the committee.

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

27 (d) A “city general purpose committee” is a committee *that*
28 *makes expenditures* to support or oppose candidates or measures
29 voted on in only one city, or in one consolidated city and county,
30 including contributions to city general purpose committees in the
31 same city or the same consolidated city and county, that total
32 more than 50 percent of the contributions and independent
33 expenditures made by the committee.

34 (e) For purposes of calculating the percentage set out in
35 subdivisions (b) to (d), inclusive, contributions and expenditures

1 made to support or oppose candidates, measures, or committees
2 during the current calendar year and the previous calendar year
3 ~~will shall~~ be counted. The percentage ~~will shall~~ be calculate
4 *calculated* at the end of each *semiannual period in which the*
5 *committee is required to file a* campaign statement. A committee,
6 as defined in *subdivision (b) or (c) of* Section 82013, is not
7 required to count contributions or expenditures made during a
8 prior calendar year in which the committee was not required to
9 file campaign statements.

10 SEC. 2. Section 82048.7 of the Government Code is amended
11 to read:

12 82048.7. (a) “Sponsored committee” means a committee,
13 other than a candidate controlled committee, which has one or
14 more sponsors. Any person, except a candidate or other
15 individual, may sponsor a committee.

16 (b) A person sponsors a committee if any of the following
17 apply:

18 (1) The committee receives 80 percent or more of its
19 contributions from the person or its members, officers,
20 employees, or shareholders.

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

24 (3) The person, alone or in combination with other
25 organizations, provides all or nearly all of the administrative
26 services for the committee.

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

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

39 SEC. 4. The Legislature finds and declares that the
40 provisions of this act further the purposes of the Political Reform

- 1 Act of 1974 within the meaning of subdivision (a) of Section
- 2 81012 of the Government Code.

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