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AB-370 Election campaigns: candidate misrepresentation. (2015-2016)

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Assembly Bill No. 370

CHAPTER 105

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

[Approved by Governor July 15, 2015. Filed with Secretary of State July 15, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 370, 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18350 of the Elections Code is amended to read:

18350. (a) A 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, does either of the following acts:

- (1) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials, that he or she is the incumbent of a public office when that is not the case.
- (2) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials, that he or she is or has been acting in the capacity of a public officer when that is not the case.

(b) A violation of this section may be enjoined in a civil action brought by a candidate for the public office involved.

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