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AB-1104 The California Political Cyberfraud Abatement Act. (2017-2018)

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Assembly Bill No. 1104

CHAPTER 715

An act to amend Section 18320 of the Elections Code, relating to elections.

[Approved by Governor October 12, 2017. Filed with Secretary of State October 12, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1104, Chau. The California Political Cyberfraud Abatement Act.

Existing law makes it unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud, as defined. Existing law defines the term "political cyberfraud" to include a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or to cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Web site, and would cause a reasonable person, after reading the Web site, to believe the site actually represents the view of the proponent or opponent of a ballot measure. Existing law also defines the term "political Web site" to mean an Internet Web site that urges or appears to urge the support or opposition of a ballot measure.

This bill would modify the definition of the terms "political cyberfraud" and "political Web site" to include Internet Web sites that urge or appear to urge the support or opposition of candidates for public office.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 18320 of the Elections Code is amended to read:

18320. (a) This act shall be known and may be cited as the "California Political Cyberfraud Abatement Act."

(b) It is unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud.

(c) As used in this section:

(1) "Political cyberfraud" means a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Internet Web site, and would cause a reasonable person, after reading the Internet Web site, to believe the site actually represents the views of the proponent or opponent of a ballot measure or of a candidate for public office. Political cyberfraud includes, but is not limited to, any of the following acts:

(A) Intentionally diverting or redirecting access to a political Web site to another person's Internet Web site by the use of a similar domain name, meta-tags, or other electronic measures.

(B) Intentionally preventing or denying exit from a political Web site by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures.

(C) Registering a domain name that is similar to another domain name for a political Web site.

(D) Intentionally preventing the use of a domain name for a political Web site by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.

(2) "Domain name" means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet.

(3) "Political Web site" means an Internet Web site that urges or appears to urge the support or opposition of a ballot measure or a candidate for public office.