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SB-226 Political Reform Act of 1974: slate mailers. (2017-2018)

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Senate Bill No. 226

CHAPTER 855

An act to amend Section 84305.7 of the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 226, Hertzberg. Political Reform Act of 1974: slate mailers.

The Political Reform Act of 1974 regulates a type of mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires a slate mailer organization that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to that of a governmental agency or specified nongovernmental organization to obtain express written permission to do so. The act requires a slate mailer organization that sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the nongovernmental organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, to disclose in the slate mailer or mass mailing the total number of members in the organization identified in the slate mailer or mass mailing.

This bill, with regard to this latter category of slate mailers and mass mailings, would require the slate mailer organization to disclose on the mailing, in a specified format, whether the slate mailer organization represents public safety personnel.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

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 Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 84305.7 of the Government Code is amended to read:

84305.7. (a) If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a governmental agency, and that would reasonably be understood to imply the participation or endorsement of that governmental agency, the slate mailer organization shall obtain express written consent from the governmental agency associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

(b) If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, and that would reasonably be understood to imply the participation or endorsement of that nongovernmental organization, the slate mailer organization shall obtain express written consent from the nongovernmental organization associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

(c) If a slate mailer organization sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term "peace officer," "reserve officer," "deputy," "deputy sheriff," "sheriff," "police," "highway patrol," "California Highway Patrol," "law enforcement," "firefighter," "fire marshal," "paramedic," "emergency medical technician," "public safety," or any other term that would reasonably be understood to imply that the nongovernmental organization is composed of, represents, or is affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing shall disclose the total number of law enforcement, firefighting, emergency medical, or other public safety members in the nongovernmental organization identified in the slate mailer or mass mailing, as provided in paragraph (1) of subdivision (d). If the slate mailer organization is not composed of or does not represent any members who are law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing shall disclose that the slate mailer organization does not represent public safety personnel, as provided in paragraph (2) of subdivision (d).

(d) A disclosure pursuant to subdivision (c) shall include one of the following statements:

(1) If the slate mailer organization represents public safety personnel members: "This organization represents ____ public safety personnel." The slate mailer organization shall fill in the blank part of the statement with the number of public safety personnel members it represents.

(2) If the slate mailer organization does not represent public safety personnel members: "This organization does not represent any public safety personnel."

(e) A disclosure pursuant to subdivision (d) shall be in a format that satisfies all of the following:

(1) Printed in roman type that is no less than 14-point font.

(2) Located on the outside of the slate mailer or mass mailing within one-half of an inch of the recipient's name and address.

(3) Contained in a box with an outline that has a line weight of at least 3.25 pt. The background color of the box shall be in a contrasting color to the background of the slate mailer or mass mailing. The outline of the box shall be in a contrasting color to both the background color of the mailing and the background color of the box. The color of the text of the disclosure shall be in a contrasting color to the background color of the box.

(f) (1) For purposes of subdivision (c), "member" means any of the following:

(A) A person who, pursuant to a specific provision of an organization's articles or bylaws, may vote directly or indirectly for the election of a director or officer or for the disposition of all or substantially all of the assets of the organization in a merger or dissolution.

(B) A person designated as a member in the articles or bylaws of an organization that is tax exempt under Section 501(c) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)) and who has the right to vote to change the organization's articles or bylaws or has paid dues to the organization.

(C) Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national, or international union is affiliated.

SEC. 2. The provisions of this bill are severable. If any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. 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.

SEC. 4. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.