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AB-1043 Political Reform Act of 1974: campaign funds: cybersecurity. (2019-2020)

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Assembly Bill No. 1043

CHAPTER 46

An act to add Section 89517.6 to the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor July 01, 2019. Filed with Secretary of State July 01, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1043, Irwin. Political Reform Act of 1974: campaign funds: cybersecurity.

The Political Reform Act of 1974 regulates the use of campaign funds held by candidates for elective office, elected officers, and campaign committees. The act generally prohibits the use of campaign funds for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment if the lessee or sublessor is, or the legal title resides in, a specified individual, such as a candidate, elected officer, or a member of the candidate or officer's immediate family. Notwithstanding that prohibition, existing law authorizes the use of campaign funds to pay or reimburse the state for the costs of installing and monitoring an electronic security system in a candidate or elected officer's home or office, as specified.

This bill would authorize the expenditure of campaign funds to pay for, or reimburse the state for, the installation and monitoring of hardware, software, and services related to the cybersecurity of the electronic devices of a candidate, elected officer, or campaign worker. The bill would require a candidate or elected officer to report any expenditure of campaign funds for these purposes to the Fair Political Practices Commission in the candidate or elected officer's campaign statements. The bill would make related findings and declarations.

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: no Local Program: no

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The integrity of state and local officials' political campaigns is of critical importance to ensuring free and fair elections in the state.

(b) Officeholders, candidates, and those assisting with campaigns have become targets of efforts to breach the confidentiality, integrity, and availability of electronic devices with sensitive campaign information.

(c) On December 13, 2018, the Federal Election Commission adopted Advisory Opinion 2018-15, which concluded that it is permissible under the Federal Election Campaign Act (52 U.S.C. Sec. 30101 et seq.) for federal officeholders to use campaign funds to pay for cybersecurity protection for personal devices and accounts.

(d) State and local officials in California are similarly situated to federal officeholders as high-value targets for hacking and other cyberattacks.

(e) Clarity in California law regarding the propriety of using campaign funds for cybersecurity is necessary to ensure officeholders and candidates take appropriate action to secure themselves and their campaigns.

SEC. 2. Section 89517.6 is added to the Government Code, to read:

89517.6. Notwithstanding Section 89517, campaign funds may be used to pay for, or reimburse the state for, the costs of installing and monitoring hardware, software, or services related to the cybersecurity of electronic devices of a candidate, elected officer, or campaign worker. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission in the candidate's or elected officer's campaign statements filed pursuant to Article 2 (commencing with Section 84200) of Chapter 4 of this title.

SEC. 3. 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.