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SB-1360 Elections: disclosure of contributors. (2021-2022)

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Date Published: 10/03/2022 02:00 PM

Senate Bill No. 1360

CHAPTER 887

An act to amend Sections 101, 107, 9008, 9020, 9105, 9203, and 11043 of the Elections Code, to amend Sections 84502, 84503, 84504.1, 84504.2, 84504.3, and 84505 of, and to add Section 84504.8 to, the Government Code, relating to elections.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1360, Umberg. Elections: disclosure of contributors.

Existing law requires political advertisements to include specified disclosure statements that identify the name of the campaign committee paying for the advertisement and the top contributors, as defined, to that committee. Existing law requires a campaign committee that pays for the circulation of a state or local initiative, referendum, or recall petition to disclose its top contributors, as prescribed. Existing law establishes other requirements regarding the form, content, and presentation of initiative, referendum, and recall petitions.

This bill would require an initiative, referendum, or recall petition to instruct voters to sign the petition only after viewing certain disclosures regarding the top contributors to the initiative, referendum, or recall, as specified. This bill would make additional changes to requirements regarding the form, content, and presentation of initiative, referendum, and recall petitions.

This bill would make changes to the disclosure requirements for certain political advertisements to identify the top contributors to the campaign committee paying for the advertisement, including changes to the required form, content, and presentation of the disclosures depending on the medium in which the advertisement appears. Because political advertisements are regulated under the Political Reform Act of 1974, and a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program by expanding the definition of a crime.

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. The Legislature finds and declares all of the following:

- (a) For voters to make an informed choice in the political marketplace, political advertisements should not intentionally deceive voters about the identity of who or what interest is trying to persuade them how to vote.
- (b) Ensuring that political advertisers cannot intentionally or unintentionally make it difficult for voters to clearly see on political advertisements who or what interest paid them will help voters be able to better evaluate the arguments to which they are being subjected during political campaigns and therefore make more informed voting decisions.
- (c) Voters and even the initiative, referendum, and recall circulators who are approaching them often are not aware of which interests are funding proposed measures they are being asked to qualify for the ballot.
- (d) Although initiative, referendum, and recall circulators are required to show an information sheet listing the top three funders paying for their circulation to voters before they let voters sign, many circulators do not do so.
- (e) Adding language to initiative, referendum, or recall petitions asking voters to verify that they have been shown who is paying to circulate them will ensure that circulators show voters that information. This will help voters better evaluate the arguments that petition circulators are making about the need for the proposed measure and make more informed decisions on whether to sign.

SEC. 2. Section 101 of the Elections Code is amended to read:

101. (a) Notwithstanding any other law, a state or local initiative, referendum, or recall petition required to be signed by voters shall contain in 11-point type, before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language, in order:

(1) "NOTICE TO THE PUBLIC:". This text shall be in a boldface type.

(2) If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

(3) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a non-boldface type.

(b) A state initiative petition shall contain, in the same location and type size described in subdivision (a), the following language in a non-boldface type: "THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT."

SEC. 3. Section 107 of the Elections Code is amended to read:

107. (a) (1) A committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative, referendum, or recall petition shall create an Official Top Funders sheet as follows, with all text in a black roman type with a type size of 14 point on a plain, contrasting background, and centered horizontally, except as described below. None of the text shall have its type condensed or have the spacing between characters reduced to be narrower than a normal roman type. Unless otherwise specified, the text shall not be boldface type.

(2) At the top of the sheet shall appear the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. This text shall be boldface type and with a type size of at least 16 point.

(3) Next, separated by a blank horizontal line from the text in paragraph (2), shall appear the title of the initiative, referendum, or recall as it appears on the petition, in all capital letters.

(4) (A) Next, separated by a blank horizontal line from the text in paragraph (3), shall appear a disclosure statement in a printed or drawn box with a black border.

(B) At the top of the disclosure statement shall appear the text "Petition circulation paid for by" in boldface text.

(C) Next, on a separate horizontal line, shall appear the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as

defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by a blank horizontal line and then the underlined text "Committee major funding from:".

(D) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(E) The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text pursuant to this subparagraph shall be separated from the text above and below it by a blank horizontal line.

(F) The following line shall include the text "Latest Official Top Funders:" followed by either (i) the internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statements that are reported pursuant to subdivision (f), or (ii) the internet website described in subdivision (c).

(5) If the petition is a state initiative petition, next, separated by at least two blank horizontal lines from the disclosures of paragraphs (4) and (5), shall appear the text "OFFICIAL TITLE AND SUMMARY (SAME AS ON PETITION)", in boldface text in all capital letters.

(6) If the petition is a state initiative petition, next, starting on a separate horizontal line, shall appear the text "The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:", in boldface text with a type size of 11 point.

(7) If the petition is a state initiative petition, next, starting on a separate horizontal line, shall appear the Attorney General summary of the initiative as it appears on the initiative petition, in plain text with a type size of 11 point.

(b) Notwithstanding any other law, a state or local initiative, referendum, or recall petition that requires voter signatures and for which the circulation is paid for by a committee formed pursuant to Section 82013 of the Government Code shall either include a disclosure statement on the petition that is displayed as follows or the circulator for the petition shall present as a separate document the Official Top Funders sheet described in subdivision (a) to a prospective signer of the petition.

(1) The disclosure statement shall have a solid white background and shall be in a printed or drawn box with a black border and shall appear before that portion of the petition for voters' signatures, printed names, and residence addresses. The text in the disclosure area shall be in a black Arial equivalent type with a type size of at least 10 point, with all lines centered horizontally in the disclosure area.

(2) The top of the disclosure shall include the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. The text of this paragraph shall be boldface.

(3) Next shall appear, on a separate horizontal line, the text "Petition circulation paid for by", followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by, on a separate horizontal line, the underlined text "Committee major funding from:".

(4) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(5) The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text in this paragraph shall be separated from the text above and below it by a blank horizontal line.

(6) The following line shall include the text "Latest info:" followed by the URL for either (A) the internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statements that are reported pursuant to subdivision (f), or (B) the internet website described in subdivision (c). The text specified in this paragraph shall be underlined.

(c) Any committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative, referendum, or recall petition may create a page on an internet website that includes both of the following:

(1) A prominent link to the most recent Official Top Funders sheet as described in subdivision (a). The Official Top Funders sheet that the page links to shall be in a format that allows it to be viewed on an internet website and printed out on a single page of paper.

(2) A prominent link to the full text of the initiative or referendum.

(d) The disclosure of a top contributor or endorser pursuant to this section need not include terms such as "incorporated," "committee," "political action committee," or "corporation," or abbreviations of these terms, unless the term is part of the contributor's or endorser's name in common usage or parlance.

(e) If this section requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 of the Government Code and is a sponsored committee pursuant to Section 82048.7 of the Government Code with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(f) A committee that circulates a state initiative, referendum, or recall petition shall submit the Official Top Funders sheet required by subdivision (a), and any updates to that statement, to the Secretary of State, who shall post that statement on the Secretary of State's internet website along with the previous versions the committee submitted.

(g) This section does not require a local elections official to verify the accuracy of the information required by this section or to re-approve the petition upon any updates the committee makes.

(h) Signatures collected on an initiative, referendum, or recall petition are not invalid solely because the information required by this section was absent or inaccurate.

(i) For purposes of this section, "endorser" means:

(1) A business that has been in existence for at least two years and has had at least one full-time staffer during that period.

(2) A non-profit organization that was not originally created for the purposes of serving as a committee, that has been in existence for at least two years, and either has received contributions from more than 50 donors in that period or has had at least one full-time staffer during that period.

(3) A political party.

(4) An individual, whose name may include their title if they are an elected official or represent one of the organizations described in paragraph (1), (2), or (3).

SEC. 4. Section 9008 of the Elections Code is amended to read:

9008. Every proposed initiative measure, prior to circulation, shall have placed across the top of the petition in 11-point or larger roman type, all of the following:

(a) The Attorney General's unique numeric identifier placed before the circulating title and summary upon each page where the circulating title and summary is to appear.

(b) The circulating title and summary prepared by the Attorney General upon each page of the petition on which signatures are to appear. The circulating title shall appear in all capital letters.

(c) The circulating title and summary prepared by the Attorney General upon each section of the petition preceding the text of the measure.

(d) The circulating title and summary prepared by the Attorney General as required by subdivision (b) shall be preceded by the following statement: "INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS.", followed by, on a separate line, "The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:". This text shall be in boldface.

SEC. 5. Section 9020 of the Elections Code is amended to read:

9020. (a) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) The signer's signature.

(2) The signer's printed name.

(3) The signer's residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate their signature pursuant to Section 105.

(4) The name of the signer's incorporated city or unincorporated community.

(5) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the following text on a separate horizontal line below the signer's printed name and above the signer's signature: "DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid." The text "DO NOT SIGN UNLESS" shall be in all capitals and in boldface. The other text shall be capitalized as shown and shall not be in boldface.

(b) Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

(c) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

SEC. 6. Section 9105 of the Elections Code is amended to read:

9105. (a) The county elections official shall immediately transmit a copy of any proposed measure to the county counsel. Within 15 days after the proposed measure is filed, the county counsel shall provide and return to the county elections official a ballot title and summary for the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the county counsel shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The county elections official shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. The proponents shall, prior to the circulation of the petition, publish the Notice of Intention, and the ballot title and summary of the proposed measure in a newspaper of general circulation published in that county, and file proof of publication with the county elections official.

(c) The ballot title and summary prepared by the county counsel shall appear upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point. The ballot title and summary shall be clearly separated from the text of the measure. The text of the measure shall be printed in type not smaller than 8 point. The heading of the proposed measure shall be in a boldface type in substantially the following form:

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the county counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

SEC. 7. Section 9203 of the Elections Code is amended to read:

9203. (a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type not smaller than 8 point. The heading of the proposed measure shall be in a boldface type in substantially the following form:

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

SEC. 8. Section 11043 of the Elections Code is amended to read:

11043. (a) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) The signer's signature.

(2) The signer's printed name.

(3) The signer's residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(4) The name of the incorporated city or unincorporated community in which the signer resides.

(5) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the following text on a separate horizontal line below the signer's printed name and above the signer's signature: "DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid." The text "DO NOT SIGN UNLESS" shall be in all capitals and in boldface. The other text shall be capitalized as shown and shall not be in boldface.

(b) A margin, at least one inch wide, shall be left blank across the top of each page of the petition. A margin, at least one-half inch wide, shall be left blank along the bottom of each page of the petition.

(c) A space, at least one inch wide, shall be left blank after each name for the use of the elections official in verifying the petition.

SEC. 9. Section 84502 of the Government Code is amended to read:

84502. (a) (1) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.

(2) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013 that is a political party committee or a candidate controlled committee established for an elective office of the controlling candidate shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 if the advertisement is any of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(C) A radio or television advertisement.

(D) A text message advertisement that is required to include a disclosure pursuant to Section 84504.7.

(b) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (b) or (c) of Section 82013 shall include the words "Ad paid for by" followed by the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.

(c) Notwithstanding subdivisions (a) and (b), if an advertisement is a printed letter, internet website, or email message, the text described in subdivisions (a) and (b) may include the words "Paid for by" instead of "Ad paid for by."

(d) Notwithstanding subdivisions (a) and (b), if an advertisement is a text message, the text described in subdivisions (a) and (b) may include the words "Paid for by" or "With," instead of "Ad paid for by."

(e) Notwithstanding subdivision (a), if an advertisement is a video advertisement that is disseminated over the internet, is a print advertisement that is larger than those designed to be individually distributed subject to subdivision (b) of Section 84504.2, is an electronic media advertisement subject to subdivision (b) of Section 84504.3, or is a text message advertisement subject to Section 84504.7, then the text for the name of the committee may be shortened by either of the following:

(1) Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors as required by Section 84503. For example, if ACME Corporation is not listed as a top contributor, then a committee named "Yes on 99, Californians for a Better Tomorrow, a coalition of X, Y, and Z. Sponsored by ACME Corporation" may be disclosed as only "Yes on 99, Californians for a Better Tomorrow. Sponsored by ACME Corporation."

(2) If the advertisement is paid for by a committee that has top contributors and is subject to Section 84503, then the committee name may be replaced by displaying the words "Committee ID" followed by the committee's identification number.

SEC. 10. Section 84503 of the Government Code is amended to read:

84503. (a) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words "Ad Committee's Top Funders" unless only one contributor qualifies as a top contributor, in which case the advertisement shall include the words "Ad Committee's Top Funder." These words shall be followed by the names of the top contributors to the committee paying for the advertisement. If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed pursuant to this section. If there are no contributors that qualify as top contributors, this disclosure is not required.

(b) The disclosure of a top contributor pursuant to this section shall not include terms such as "incorporated," "committee," "political action committee," or "corporation," or abbreviations of these terms, unless the term is part of the contributor's name in common usage or parlance.

(c) If this article requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 and is a sponsored committee pursuant to Section 82048.7 with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(d) This section does not apply to a committee as defined by subdivision (b) or (c) of Section 82013.

(e) Notwithstanding subdivision (a), if an advertisement is a printed letter, internet website, email message, or text message, the text described in subdivision (a) may include the words "Committee Top Funders" or "Committee Top Funder" instead of "Ad Committee's Top Funders" or "Ad Committee's Top Funder."

SEC. 11. Section 84504.1 of the Government Code is amended to read:

84504.1. (a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated as a video, including advertisements on television and videos disseminated over the Internet, shall include the disclosures required by Sections 84502 and 84503 at the beginning or end of the advertisement.

(b) The disclosure required by subdivision (a) shall be written and displayed for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.

(1) The written disclosure required by subdivision (a) shall appear on a solid black background on the entire bottom one-third of the television or video display screen, or bottom one-fourth of the screen if the committee does not have or is otherwise not required to list top contributors, and shall be in a contrasting color in standard Arial Regular type, and the type size for capital letters in the written disclosure shall be 4 percent of the height or width of the television or video display advertisement, whichever is less.

(2) The disclosures required by Section 84502 shall be white. The disclosures required by Section 84503, if any, shall be yellow, such as HTML hex value #FFFF00, and shall be separated from the disclosures required by Section 84503 by a blank horizontal space at least 2 percent of the height of the television or video display screen. The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. All disclosure text shall be centered horizontally in the disclosure area. If there are any top contributors, the written disclosures shall be underlined in a manner clearly visible to the average viewer, except for the names of the top contributors, if any.

(3) The names of the top contributors shall not have their type condensed or have the spacing between characters reduced to be narrower than a normal non-condensed standard Arial Regular type.

(4) If the name of one or more top contributor exceeds the width of the screen and is required to wrap onto a second line, then the names of contributors shall be clearly marked, using a highly visible symbol or minimum vertical separation defined by the Commission, to indicate where one top contributor name ends and the next begins.

(c) An advertisement that is an independent expenditure supporting or opposing a candidate shall include the appropriate statement from Section 84506.5 printed immediately above the background with sufficient contrast that is easily readable by the average viewer.

(d) Any text or image not required in this section shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or required by applicable law.

SEC. 12. Section 84504.2 of the Government Code, as amended by Section 6 of Chapter 558 of the Statutes of 2019, is amended to read:

84504.2. (a) A print advertisement designed to be individually distributed, including, but not limited to, a mailer, flyer, or door hanger, that is paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting color and centered horizontally in the disclosure area.

(2) The text shall be in standard Arial Regular type with a type size of at least 10-point.

(3) The top of the disclosure area shall include the disclosure required by Sections 84502 and 84503. The text of the disclosure shall be underlined if there are any top contributors.

(4) The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed standard Arial Regular type.

(5) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.

(6) A committee subject to Section 84223 shall next include the text "Funding Details At [insert link to Secretary of State internet website page with top 10 contributor lists]," which shall be underlined and printed on a line separate from any other text at the bottom of the disclosure area.

(7) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the largest top contributor of fifty thousand dollars (\$50,000) or more.

(b) A print advertisement that is larger than those designed to be individually distributed, including, but not limited to, a yard sign or billboard, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures pursuant to Section 84502, 84503, and 84506.5 in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter. Each line of the written disclosures shall be in a contrasting color in standard Arial Regular type no less than 5 percent of the height of the advertisement, and shall not be condensed to be narrower than a normal non-condensed standard Arial Regular type. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Any text or image not required in this section shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or provided by applicable law.

SEC. 13. Section 84504.3 of the Government Code is amended to read:

84504.3. (a) This section applies to an electronic media advertisement if either of the following is true:

(1) The advertisement is paid for by a committee other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate.

(2) The advertisement is paid for by a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, and is either of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(b) An electronic media advertisement that is a graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to link to an internet website paid for by a committee shall comply with both of the following:

(1) Unless the disclosure area described in paragraph (2) includes the full disclosure text required by Sections 84502, 84503, and 84506.5, the advertisement shall contain a hyperlink to an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than 11-point font.

(2) The advertisement shall include, for the duration of the advertisement, the disclosures required by Section 84502 followed by the disclosures required by Section 84503, if any, displayed according to the following:

(A) The disclosure area shall have a solid white or black background and shall be in a box on the bottom of the advertisement. The text in the disclosure area shall be in a contrasting color and in standard Arial Regular type with a type size of at least 11-point and shall not have its type condensed or have the spacing between characters reduced to be narrower than a normal non-condensed standard Arial Regular type.

(B) Notwithstanding Section 84503, the disclosure area may disclose only the largest top contributor to the committee paying for the advertisement, and the disclosure area may include the words "Top Funder" or "Top Funders" instead of "Ad Committee's Top Funders" or "Ad Committee's Top Funder."

(C) The disclosure required by Section 84506.5 may be displayed at the bottom of the disclosure box, separated from the disclosures required by Section 84503 by a blank horizontal line. This text is not required to be displayed in the disclosure area if the advertisement hyperlinks to a website containing the disclosures as described by paragraph (1).

(3) Notwithstanding paragraph (2), if the image takes up fewer than 65,000 square pixels, i.e., is smaller than a standard 728 by 90 pixel leaderboard image advertisement, then the disclosure area described in paragraph (2) may instead include the text "Who funded this ad?". This text shall be in standard Arial Regular type with a type size of at least 8-point.

(4) Notwithstanding paragraphs (2) and (3), the disclosure area required by paragraph (2) is not required if it would take up more than 10 percent of the graphic or image even using the "Who funded this ad?" option allowed by paragraph (3). In those circumstances, the advertisement need only include a hyperlink to an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5.

(5) Any text or image not required by this subdivision shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or required by applicable law.

(c) Notwithstanding subdivision (a), an email message or internet website paid for by a committee shall include the disclosures required by Sections 84502, 84503, and 84506.5 printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email message, or at the top or bottom of every publicly accessible page of the internet website, as applicable.

(d) An internet website that is linked as provided for in paragraph (1) of subdivision (b) shall remain online and available to the public until 30 days after the date of the election in which the candidate or ballot measure supported or opposed by the advertisement was voted upon.

(e) An advertisement made via a form of electronic media that is audio only and therefore cannot include either of the disclosures in subdivision (b) shall comply with the disclosure requirements for radio advertisements in Section 84504.

(f) An electronic media advertisement that is disseminated as a video shall comply with the disclosure requirements of Sections 84504.1 and 84504.5, depending on the type of committee that paid for it. If the video is longer than 30 seconds, the disclosures required by Sections 84504.1 and 84504.5 shall be made at the beginning of the advertisement.

(g) An advertisement in the form of a post, comment, or similar communication made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, is not required to include the disclosure provided in subdivision (b) if both of the following apply:

(1) The advertisement was posted directly by the social media page or account of the committee that paid for the advertisement.

(2) (A) The disclosures required by Sections 84502, 84503, and 84506.5 are included on the cover or header photo of the committee's profile, landing page, or similar location for the committee's page or account from which the post, comment, or similar communication was made in a contrasting color that is easily readable by the average viewer and in no less than 10-point font. The disclosures specified in this subparagraph shall be fully visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media, including, but not limited to, a computer screen, laptop, tablet, or smart phone.

(B) Notwithstanding subparagraph (A), if making the disclosures specified in subparagraph (A) fully visible on a commonly used electronic device would be impracticable, the cover or header photo of the profile, landing page, or similar location need only include a hyperlink, icon, button, or tab to an internet website containing the disclosures specified in subparagraph (A).

(h) The disclosures required by this section do not apply to advertisements made via social media for which the only expense or cost of the communication is compensated staff time unless the social media account where the content is posted was created only for the purpose of advertisements governed by this title.

SEC. 14. Section 84504.8 is added to the Government Code, to read:

84504.8. If a disclosure statement required by a local ordinance is substantially similar to a disclosure statement required pursuant to this article, the two disclosure statements may be merged into a single statement.

SEC. 15. Section 84505 of the Government Code is amended to read:

84505. (a) In addition to the requirements of Sections 84502, 84503, and 84506.5, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a top contributor.

(b) Written disclosures required by Sections 84503 and 84506.5 shall not appear in all capital letters, except that capital letters shall be permitted for the beginning of a sentence, the beginning of a proper name or location, part of the contributor's trademark name or part of its name in common usage or parlance, or as otherwise required by conventions of the English language.

SEC. 16. The provisions of this act are severable. If any provision of this act 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. 17. 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. 18. 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.