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**AB-2001 Political Reform Act of 1974.** (2023-2024)

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**Assembly Bill No. 2001**

**CHAPTER 97**

An act to amend Sections 84504.2, 84504.4, 84616, 85400, and 91011 of, and to repeal Section 82052.5 of, the Government Code, relating to the Political Reform Act of 1974.

[ Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2001, Gallagher. Political Reform Act of 1974.

(1) Existing law defines a "statewide election" and "campaign expenditures" for purposes of the Political Reform Act of 1974.

This bill would repeal the section of the act defining "statewide election" and would revise the definition of "campaign expenditures."

(2) Existing law requires that print advertisements paid for by a committee, other than a political party committee or a candidate controlled committee, as specified, include a disclosure with text in an Arial equivalent type.

This bill would revise the permissible text type in print advertisement disclosures to standard Arial Regular and require that the disclosure area not contain any text or image that is not required by any applicable law.

(3) Existing law requires a local government agency to post a copy of any statement, report, or other document required to be filed with the agency under the Political Reform Act of 1974, as specified, within 72 hours of receiving the filing in paper format.

This bill would additionally require the local government agency to post a copy of any statement, report, or other document, as specified, received by email or fax and to post statements, reports, or documents received after the filing deadline within 72 hours of receipt of the statement, report, or document. The bill would also require a local government agency that receives a filing that was required to be filed with a different agency or person, and not the agency that received the filing, to notify the filer of the error. By increasing the duties of local officials receiving filings under the Political Reform Act of 1974, as specified, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 82052.5 of the Government Code is repealed.

**SEC. 2.** Section 84504.2 of the Government Code, as amended by Section 5 of Chapter 777 of the Statutes of 2018, is amended to read:

**84504.2.** (a) A print 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, 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 for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(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) A committee subject to Section 84506.5 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 Commission internet website]," which shall be underlined and printed on a line separate from any other text.

(b) Notwithstanding paragraphs (2) and (4) of subdivision (a), the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in standard Arial Regular type with a total height of at least 5 percent of the height of the advertisement, and printed on a solid background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) 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.

(d) The disclosure area shall not contain any text or image that is not required by this section, or by any other applicable law.

**SEC. 3.** Section 84504.4 of the Government Code is amended to read:

**84504.4.** (a) A radio or television advertisement that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 subject to the following requirements:

(1) In a radio advertisement, the words shall be included at the beginning or end of the advertisement and read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement.

(2) In a television advertisement, the words shall appear in writing for at least four seconds with letters in a type size that is greater than or equal to 4 percent of the height of the screen.

(b) An advertisement that is made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 in accordance with subdivision (g) of Section 84504.3.

**SEC. 4.** Section 84616 of the Government Code is amended to read:

**84616.** (a) Within 72 hours of each applicable filing deadline, a local government agency shall post on its internet website a copy of any statement, report, or other document required by Chapter 4 (commencing with Section 84100) that is filed with that agency in paper format, or by email or fax. If the statement, report, or document is filed late by the filer, the local government agency shall post the copy within 72 hours of receipt of the statement, report, or document. If the final day of the 72-hour period is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday. Before posting, the local filing officer shall redact the street name and building number of the persons or entity representatives listed on any statement, report, or document, or any bank account number required to be disclosed by the filer. Providing a link on the agency's internet website to the statement, report, or other document satisfies this subdivision.

(b) A statement, report, or other document posted pursuant to this section shall be made available for four years from the date of the election associated with the filing.

(c) If a local government agency receives a filing that was required to be filed with a different agency or person, and the filing was not required to be filed with the receiving agency, the local government agency is not required to post the filing pursuant to subdivision (a) and shall notify the filer of the error.

**SEC. 5.** Section 85400 of the Government Code is amended to read:

**85400.** (a) A candidate for elective state office, other than the Board of Administration of the Public Employees' Retirement System, who voluntarily accepts expenditure limits shall not make campaign expenditures in excess of the following:

(1) For an Assembly candidate, four hundred thousand dollars (\$400,000) in the primary or special primary election and seven hundred thousand dollars (\$700,000) in the general or special general election.

(2) For a Senate candidate, six hundred thousand dollars (\$600,000) in the primary or special primary election and nine hundred thousand dollars (\$900,000) in the general or special general election.

(3) For a candidate for the State Board of Equalization, one million dollars (\$1,000,000) in the primary election and one million five hundred thousand dollars (\$1,500,000) in the general election.

(4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars (\$4,000,000) in the primary election and six million dollars (\$6,000,000) in the general election.

(5) For a candidate for Governor, six million dollars (\$6,000,000) in the primary election and ten million dollars (\$10,000,000) in the general election.

(b) For purposes of this section, "campaign expenditures" has the same meaning as "election-related activities" as defined in Section 82022.5, except that it does not include preparing campaign finance disclosure statements.

(c) A campaign expenditure made by a political party on behalf of a candidate shall not be attributed to the limitations on campaign expenditures set forth in this section.

**SEC. 6.** Section 91011 of the Government Code is amended to read:

**91011.** (a) A civil action alleging a violation in connection with a report or statement required by Chapter 4 (commencing with Section 84100) shall not be filed more than four years after an audit could begin as set forth in subdivision (c) of Section 90002, as that section existed on January 1, 2014, or more than one year after the Franchise Tax Board forwards its report to the commission, pursuant to Section 90004, of any audit conducted of the alleged violator, whichever period is less.

(b) A civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), shall not be filed more than four years after the date the violation occurred.

**SEC. 7.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 8.** 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.