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SB-678 Elections: disclosures. (2023-2024)

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Date Published: 09/01/2023 09:00 PM

Senate Bill No. 678

CHAPTER 156

An act to add Section 84513 to the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor September 01, 2023. Filed with Secretary of State September 01, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 678, Umberg. Elections: disclosures.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and related matters, including by prohibiting, limiting, or requiring disclosure of certain political activities and by regulating certain political advertisements.

This bill would require a person who is paid by a committee to support or oppose a candidate or ballot measure on an internet website, web application, or digital application, as specified, to include a disclaimer, if not already required as specified, stating that they were paid by the committee in connection with the post. The bill would also require a committee to notify the person posting the content of the disclaimer requirement. Under this bill, if a person fails to post the disclaimer, they would not be subject to administrative penalties, but the Commission would be authorized to seek injunctive relief to compel disclosure. This bill would also exempt the disclaimer requirement for content posted by a compensated employee of a committee on the employee's own social media page or account if the only expense or cost of the communication is compensated staff time, unless the person's principal duties as an employee are to post content on the person's own social media page or account.

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: no

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

SECTION 1. Section 84513 is added to the Government Code, to read:

84513. (a) (1) If a committee pays a person to post content on an internet website, web application, or digital application for the purpose of supporting or opposing a candidate for elective office or a ballot measure, the person shall concurrently include a disclaimer with that content stating that the person was paid by the committee in connection with the posting.

(2) The disclaimer required by this subdivision shall be readily legible to an average viewer or, if the content is in audio format, shall be clearly audible. A disclaimer that states, or is substantially similar to, the following satisfies the requirement in this

subdivision: "The author was paid by [name of committee and committee identification number] in connection with this posting."

(3) This subdivision does not apply to the following:

(A) Content requiring a disclosure pursuant to Section 84504.3 or subdivision (c) of Section 84511.

(B) Content posted on the committee's own website, profile, or landing page by a person compensated by the committee to post such content.

(C) Content posted by a compensated employee of a committee on the employee's own social media page or account where the only expense or cost of the communication is compensated staff time. This exception shall not apply if the compensated employee of the committee's principal duties are to post content on their own social media page or account.

(b) A committee described in subdivision (a) shall notify the person paid to post the content of the requirement to include a disclaimer.

(c) (1) Notwithstanding any other provision of this title, a person in violation of subdivision (a) is not subject to administrative, civil, or criminal penalties under this title.

(2) If a person violates subdivision (a), the Commission may seek injunctive relief to compel compliance pursuant to Section 90009 after the person is notified of the requirement in subdivision (a).

SEC. 2. 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.