

Date of Hearing: June 12, 2024

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
SB 1170 (Menjivar) – As Amended June 4, 2024

**SENATE VOTE:** 31-8

**SUBJECT:** Political Reform Act of 1974: campaign funds.

**SUMMARY:** Authorizes campaign funds to be used to pay or reimburse a candidate's reasonable and necessary mental healthcare expenses to address mental health issues that arise during a campaign, as specified. Specifically, **this bill:**

- 1) Allows campaign funds to be used to pay or reimburse a candidate for reasonable and necessary mental healthcare expenses to address mental health issues that have arisen during the campaign or have been adversely impacted by campaign activities if both of the following conditions are satisfied:
  - a) The candidate does not have health insurance or their health insurance does not cover the full cost of these mental healthcare expenses.
  - b) The candidate has experienced at least one of the following categories of underlying campaign-related circumstances or events, which have resulted in the need for mental healthcare services: harassment, prejudice, or a threat or other criminal act.
- 2) Permits campaign funds to be used for the purposes described in 1) from the date upon which a candidate committee is established to the date that the Secretary of State certifies the election results or, for a candidate who is elected to office, to the date that the candidate is sworn into office.
- 3) Requires a candidate who uses campaign funds for mental healthcare expenses to report this use on a campaign statement required to be filed pursuant to the Political Reform Act (PRA), and requires that reporting to note the categories of campaign-related circumstances or events that resulted in the candidate's need for mental healthcare services. Provides that a candidate shall not be required to provide further detail on the campaign statement as to the underlying campaign-related circumstances or events that gave rise to the need for mental healthcare services. Provides that it is not necessary for the candidate to have reported the underlying campaign-related circumstances or events to a law enforcement agency or for the circumstances or events to have given rise to civil or criminal proceedings in order for the candidate to be permitted to use campaign funds for mental healthcare expenses.
- 4) Defines the following terms, for the purposes of this bill:
  - a) "Threat or other criminal act" to refer to any threat or other criminal act prohibited by the Penal Code or other statute.

- b) “Harassment” to mean persistent or severe, uninvited behavior, attention, comments, or actions, whether in person, in writing, or in online or virtual settings, that upset, belittle, humiliate, or otherwise cause distress, fear, or discomfort.
  - c) “Mental healthcare expenses” to refer to expenses for services including therapy, psychological, or psychiatric counseling services, provided in a group or private setting, either virtually or in person, by a professional licensed by the Board of Behavioral Sciences, or an associate accruing the hours for such a license, to address mental health issues.
  - d) “Prejudice” to mean behavior, attention, comments, or actions that target a candidate based on a category protected under federal or state antidiscrimination laws, including age, ancestry, color, disability, gender, gender identity, national origin, race, religion, sex, and sexual orientation.
- 5) Requires a candidate to maintain records of the mental healthcare services that they receive, including information about the mental healthcare service provider and invoices for services paid for, or reimbursed by, campaign funds.
  - 6) Specifies that expenditures by a committee to pay for mental healthcare services pursuant to this bill are directly related to a political, legislative, or governmental purpose.
  - 7) Makes other technical and conforming changes.

**EXISTING LAW:**

- 1) Creates the Fair Political Practices Commission (FPPC), and makes it responsible for the impartial, effective administration and implementation of the PRA. (Government Code §§81000 et seq.)
- 2) Makes violations of the PRA subject to administrative, civil, and criminal penalties. (Government Code §§83116, 91000-91005.5)
- 3) Provides that all contributions deposited into a campaign committee account are deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office. Provides that an expenditure to seek or hold office is within the lawful execution of this trust if it is reasonably related to a political, legislative, or governmental purpose. Requires expenditures of campaign funds to be reasonably related to a political, legislative, or governmental purpose. Requires an expenditure of campaign funds that confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds to be directly related to a political, legislative, or governmental purpose. (Government Code §§89510 et seq.)
- 4) Prohibits campaign funds from being used to pay for health-related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of their households. Provides that “health-related expenses” includes, but is not limited to, examinations by physicians, dentists,

psychiatrists, psychologists, or counselors and expenses for medications, treatments, medical equipment, hospitalization, health club dues, and special dietary foods. Permits campaign funds to be used to pay employer costs of health care benefits of a bona fide employee or independent contractor of the committee. (Government Code §89513(b)(3))

- 5) Requires a candidate, elected officer, and committee to file specified campaign statements. (Government Code §§84200-84226)
- 6) Requires each candidate, treasurer, principal officer, and elected officer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of existing law. (Government Code §84104)

**FISCAL EFFECT:** Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

Harassment and threats are pervasive on the campaign trail, with those who are underrepresented in government disproportionately reporting severe hostility, stalking, and even physical violence. The mental health toll that harassment and stalking take can be detrimental to a candidate's campaign, especially for women, women of color, and LGBTQ+ folks. We cannot stop harassment from occurring, but by allowing campaign funds to be used for mental health care costs, we can support candidates' sense of well-being as we strive to increase the diversity of voices in government. Research has found that around 80% of respondents reported experiencing new or worsened mental health or well-being symptoms that they believed were caused, in whole or in part, by hostility experienced on the campaign trail. Such symptoms include increased anxiety, sleep disturbance, panic attacks, and dissociative reactions. SB 1170 will address this by allowing candidates running for political office to use campaign funds for campaign-related mental health care services.

- 2) **Authorized Use of Campaign Funds and Previous Legislation:** The PRA strictly regulates the use of campaign funds, and contributions deposited into a campaign account are deemed to be held in trust for expenses associated with the election of a candidate or for expenses associated with holding office. PRA provisions restricting the "personal use" of campaign funds are designed to prevent candidates, elected officials, and others who control the expenditures of campaign funds from benefiting privately from their campaign activities. In general, the PRA requires most campaign expenditures to be *reasonably* related to a political, legislative, or governmental purpose. Expenditures of a candidate's or officer's campaign funds that confer a substantial personal benefit on that candidate or officer, however, must meet a higher standard, and be *directly* related to a political, legislative, or governmental purpose. A substantial personal benefit means an expenditure of campaign funds which results in a direct personal benefit with a value of more than \$200.

Existing law allows campaign funds to be used to pay for health care benefits for a campaign's employees or independent contractors, however, current law explicitly prohibits campaign funds from being used to pay for other health-related expenses, such as health club dues, special dietary foods, or medical check-ups. This bill changes this longstanding prohibition and authorizes a candidate to use campaign funds to pay for mental healthcare expenses. Specifically, this bill allows a candidate to use campaign funds, during a specified time period, to pay for reasonable and necessary mental healthcare expenses to address mental health issues that have arisen during the campaign or have been adversely impacted by campaign activities if a candidate does not have health insurance or their health insurance does not cover the full costs of the mental healthcare expenses. Additionally, a candidate must disclose on campaign disclosure reports expenditures made for mental healthcare expenses and note on the statement whether the candidate experienced harassment, prejudice, and/or a threat or other criminal act.

This bill outlines three categories of circumstances or events for which campaign funds may be used to pay for mental healthcare expenses to address mental health issues that have arisen during the campaign or have been adversely impacted by campaign activities. The category definitions, however, are fairly broad and the committee may wish to consider whether such an expansion of the use of campaign funds could lead to abuse. On the other hand, this bill requires a candidate to maintain invoices from the mental healthcare provider to show that campaign funds were being used by a licensed provider, and limits the length of time that a candidate may use campaign funds to pay for mental healthcare expenses.

Moreover, this bill only creates an exception to allow campaign funds to be used to pay for mental healthcare expenses. It maintains the existing prohibition against allowing expenditures of campaign funds to be used for other health-related expenses. In other words, if a candidate was physically attacked in public while campaigning, this bill would not allow campaign funds to be used to treat their physical injuries, however, they could use campaign funds for any resulting trauma or mental health issues that arise from that incident.

- 3) **Furtheres the Purpose of the PRA and Previous Legislation:** SB 1431 (Roberti), Chapter 1452, Statutes of 1989, made various technical and substantive changes to the PRA relating to the personal use of campaign funds by elected officers. Notably, SB 1431 created a stricter standard for the personal use of campaign funds. Originally, the law permitted expenditures of campaign funds, even if it resulted in a substantial personal benefit, as long as there was more than a negligible political, legislative, or governmental purpose. SB 1431 instead required expenditures to either be *reasonably* related to a political, legislative, or governmental purpose, or to be *directly* related to a political, legislative, or governmental purposes in situations where those expenditures that create a substantial personal benefit for the candidate or another person with the authority to approve campaign expenditures.

Additionally, SB 1431 explicitly prohibited the use of campaign funds for health-related expenses of a candidate, elected official, or their immediate family. As mentioned above, this bill creates an exception within that longstanding prohibition. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the PRA. This committee should consider whether the use of campaign funds for mental

healthcare expenses furthers the purposes of the PRA.

According to the author and sponsors, allowing campaign funds to be used for mental healthcare has a significant political purpose. A large share of candidates have changed their campaign strategies—from voter outreach to communications—because of the mental health impacts of campaign hostility. But for the campaign, candidates would not have experienced the hostilities that are the root cause of their new or worsened mental health symptoms. Because these mental health impacts are campaign-created liabilities, addressing them should be considered campaign-related expenses.

- 4) **Recent Research:** In August 2023, the California Women’s list conducted a study analyzing the mental health impacts of hostility that candidates, particularly women candidates, face pursuing political office in California. The survey collected 103 responses from people of various gender identities who ran for office in California between 2016 and 2022. According to the study, approximately 80 percent of all respondents reported experiencing new mental health or wellness-related symptoms that stemmed from hostility experienced during their campaigns. When women run for office, they face a barrage of hostilities: double standards, demeaning and demoralizing criticism, harassment, sexism and misogyny, threats, stalking, and even violence. The report noted that the most commonly experienced problems were sleep disturbance and fatigue, excessive anxiety and worry, and diminished ability to think or concentrate. These experiences force women to change their campaign tactics for their own safety and, ultimately, the sum of these experiences can take a toll on candidates’ mental health and well-being. To address these issues, the study recommended the Legislature amend the PRA to allow candidates to use campaign funds for mental health services.

Earlier this year, the Brennan Center for Justice released a report entitled, “The Intimidation of State and Local Officeholders, The Threat to Democracy,” which was developed from a series of national surveys completed in October 2023 and three dozen in-depth interviews with former and current state and local officeholders. Taken together, the data sets represent more than 1,700 officials from all 50 states and include a range of ages, party affiliations, ideologies, genders, sexual orientations, racial and ethnic identities, and religions. The report reveals how significantly abuse affects the tenure of these officeholders and shapes their decisions. There were multiple accounts where state legislators and local officeholders experienced threats and instances of stalking, violence, and abuse of a sexual nature. These experiences were further exacerbated for women, People of Color, religious minorities and LGBTQ+ individuals. The report discusses how threats and attacks constrain how freely officeholders interact with constituents, narrow the spectrum of policy positions they feel safe to support, and make them less willing to continue in public service. The report concluded that given the prevalence of abuse facing local and state officeholders, government and other authorities must act quickly to mitigate the problem. To that end, the report made various recommendations including, that states should provide office holders and staffers with mental health services and encourage their use.

- 5) **Arguments in Support:** The sponsor of this bill, California Women’s List, writes in support:

Research has established a direct causal link between campaign hostility and adverse mental health impacts. But for the campaign, candidates would not be

experiencing worsened mental health. These mental health impacts in turn affect not just the candidate personally, but how the campaign is run and how offices govern. Further, allowing the mental health impacts of campaign hostility to go unaddressed aggravates attrition of the people most underrepresented in government: women, people of color, and LGBTQ+ individuals. Amending the Political Reform Act is not taken lightly, but new research has shown why SB 1170's proposed amendment is necessary and in line with the purpose of the Act.

Not only is SB 1170 consistent with the purpose of the Political Reform Act, it already has a model for implementation. In 2019, California passed AB 220 to allow campaign funds to be used for reasonable childcare expenses. We are grateful to be receiving technical assistance from the Fair Political Practices Commission so that we can adapt existing protocols for reporting and reviewing expenditures under SB 1170. The FPPC has been particularly mindful to collaborate in developing protocols that allow the necessary transparency and accountability while minimizing any exposure for candidates.

- 6) **Related Legislation:** AB 2041 (Bonta) authorizes campaign funds to be used for costs related to security expenses, as defined, to protect a candidate, elected officer, or the immediate family or staff of a candidate or elected officer, as specified. AB 2041 passed out of this committee on a 7-0 vote, passed off the Assembly floor on a 72-0 vote, and is set to be heard in the Senate Elections & Constitutional Amendments Committee on June 11, 2024.

AB 3239 (W. Carrillo) permits campaign funds to be used to pay or reimburse airline travel expenses related to an emotional support animal belonging to and traveling with an individual whose travel is authorized to be paid using campaign funds. AB 3239 passed out of this committee on a 7-0 vote, passed off the Assembly floor on a 56-0 vote, and is pending in the Senate Elections & Constitutional Amendments Committee.

- 7) **Previous Legislation:** AB 220 (Bonta), Chapter 384, Statutes of 2019, permits candidates to use campaign funds for childcare expenses incurred while the candidate is engaging in campaign activities.
- 8) **Political Reform Act of 1974:** California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Women's List (Sponsor)  
Brennan Center for Justice at NYU Law  
Board of Supervisors of the County of Los Angeles  
Board of Supervisors of the City and County of San Francisco

Close the Gap California  
Fund Her (prior version)  
Irvine Mayor Farrah N. Kahn  
Latina Democratic Club (prior version)  
National Women's Political Caucus of California  
San Fernando Valley Young Democrats  
San Francisco Women's Political Committee  
Vote Mama Foundation

**Opposition**

None on file.

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