

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 1511 (Committee on Elections) – As Introduced March 10, 2025

SUBJECT: Voter information guide.

SUMMARY: Clarifies that a candidate who has raised money for a candidacy for one office, but who does not run in the primary election for that office, may transfer the campaign contributions raised for the primary and general election to a committee established by the candidate to run for a different office. Standardizes the terminology used in the Political Reform Act (PRA) to refer to official election publications. Specifically, **this bill:**

- 1) Provides that a candidate who has raised money for a candidacy for one office is not “defeated in the primary election” for that office, and does not “otherwise withdraw from the general election” for that office, if the candidate’s name is not listed on the ballot at the primary election, and the candidate is not qualified to have write-in votes cast on the candidate’s behalf counted by the elections official at the primary election for that office. Specifies that such a candidate may transfer funds to a committee established for the same or a different office subject to any relevant campaign contribution limits, and subject to existing rules requiring the transferred contributions to be attributed to specific contributors. States the intent of the Legislature in enacting this provision to ensure that SB 948 (Limón & Zbur), Chapter 125, Statutes of 2024, is interpreted consistent with advice by the Fair Political Practices Commission (FPPC) in its *Brown* Advice Letter No. A-09-276, issued on January 25, 2010.
- 2) Standardizes terms in the PRA used to refer to the county and state voter information guides by deleting the terms "sample ballot," "ballot pamphlet," and "voter information portion of the sample ballot," and replacing them with "state voter information guide" or "county voter information guide," as appropriate.
- 3) Makes technical changes.

EXISTING LAW:

- 1) Creates the FPPC, and makes it responsible for the impartial, effective administration and implementation of the PRA. (Government Code §§83100, 83111)
- 2) Permits a candidate to transfer campaign funds from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate, as specified. Requires contributions transferred pursuant to this provision to be attributed to specific contributors, as specified, and subjects those attributed contributions to relevant campaign contribution limits. (Government Code §85306)
- 3) Permits a candidate for elective state, county, or city office to raise contributions for a general election before the primary election for the same elective state, county, or city office if the candidate sets aside these contributions and uses these contributions for the general

election. Provides that if the candidate is defeated in the primary election, or otherwise withdraws from the general election, the general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election contributions. Provides that a candidate who does not file a declaration of candidacy to qualify for a primary election or special primary election is not “defeated in the primary election or special primary election” and does not “otherwise withdraw from the general election or special general election” for the purposes of these provisions, and is not required to refund contributions pursuant to these provisions. (Government Code §85318)

- 4) Requires the Secretary of State (SOS) to mail a state voter information guide to all households in which voters are registered prior to each statewide election, except as specified. (Elections Code §9094) Requires the guide to contain information including, but not limited to, a complete copy of each state measure, arguments and rebuttals for and against each state measure, an analysis of each state measure, a listing of candidates for statewide elective office who voluntarily agreed to abide by specified expenditure limits, and candidate statements prepared by specified candidates for statewide elective office, among other information. (Elections Code §9084; Government Code §§85318, 85600, 88001)
- 5) Requires a county elections official to mail a county voter information guide to each voter in the jurisdiction prior to each election, except as specified. Requires the county voter information guide to contain, among other things, a copy of the official ballot (also known as a “sample ballot”), a notice of in-person voting locations, arguments and rebuttals for and against each local ballot measure, an analysis of each local ballot measure, a listing of candidates for State Senate and Assembly who voluntarily agreed to abide by specified expenditure limits, and candidate statements prepared by specified candidates for office. (Elections Code §§9160-9170, 13300-13307.5; Government Code §§85318, 85600)

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** This is one of the Assembly Elections Committee's annual omnibus bills, containing various minor, technical, and conforming changes to provisions of the PRA. All provisions contained in this bill address issues identified by Assembly Elections Committee staff.
- 2) **Transfers of Campaign Contributions and Previous Legislation:** Last year, the Legislature unanimously approved SB 948 (Limón & Zbur), Chapter 125, Statutes of 2024. SB 948 sought to codify prior advice that the FPPC issued in 2010 (*Brown* Advice Letter, No. A-09-276). Under that advice, a candidate who raises money for the primary and general elections for one office, but who decides before the primary election not to run for that office, may transfer those campaign contributions to a committee established by the candidate to run for a different office, subject to specified restrictions. In an effort to codify that advice, the language of SB 948 made it clear that such transfers were allowed if the candidate did not “file a declaration of candidacy to qualify” for the primary election.

After SB 948 was passed and signed into law, the Legislature approved AB 1784 (Pellerin),

Chapter 355, Statutes of 2024. Among other provisions, AB 1784 allowed candidates for elective state office (other than statewide office), for the first time, to withdraw nomination documents (including declarations of candidacy) after filing them for the primary election. Due to the enactment of AB 1784, it is now possible that a candidate for elective state office could file a declaration of candidacy but subsequently withdraw that declaration of candidacy and, as a result, not be a legally qualified candidate for that office at the primary election.

Late last year and earlier this year, FPPC staff proposed the adoption of a regulation that would have prohibited a candidate from transferring campaign contributions that a candidate raised for a general election if the candidate filed a declaration of candidacy for the primary election but subsequently withdrew that declaration, and did not appear on the ballot at the primary election. In suggesting that change, FPPC staff pointed to the language in SB 948 that made it clear that transfers of campaign contributions were allowed if a candidate *did not file* a declaration of candidacy, and argued that the implication of that language was that a candidate should not be allowed to transfer contributions if the candidate *did* file a declaration of candidacy, but subsequently withdrew that declaration.

In response to that proposal, the authors of SB 948 sent a letter to the FPPC urging them not to adopt the proposed regulatory language, noting that it was inconsistent with their legislative intent of codifying the FPPC's 2010 advice. The letter also pointed out that because AB 1784 became law after SB 948 had been signed into law, "the Legislature did not specifically consider how the candidate transfer rules imposed by SB 948 should apply to candidates withdrawing from a primary election." At its meeting in January of this year, the FPPC deferred consideration on the regulatory proposal until after this legislative year to see whether the Legislature adopted any statutory changes to clarify the intent of SB 948.

This bill clarifies that a candidate who has raised money for a candidacy for one office, but who does not run in the primary election for that office, may transfer the campaign contributions raised for the primary and general election to a committee established by the candidate to run for a different office. Such transfers would be subject to any relevant campaign contribution limits, and contributions that were transferred would have to be attributed to specific donors in accordance with existing law. This proposal additionally specifies that the intent of the Legislature in enacting this provision is to ensure that SB 948 is interpreted consistent with the FPPC's advice in its *Brown* advice letter.

- 3) **Voter Information Guides:** Existing state law provides for elections officials to prepare voter information guides and to distribute them to voters prior to elections. These voter information guides contain information about the contests that appear on the ballot, including arguments for and against ballot measures, impartial analyses of ballot measures, candidate statements, and other relevant information. For statewide elections, the SOS prepares and distributes a state voter information guide, includes information that is relevant for all voters statewide, including information about candidates for statewide office and statewide ballot measures. Separately, county elections officials prepare and distribute county voter information guides, which are tailored to each voter based on the contests that will appear on the voter's ballot.

State law has used a variety of terms to refer to these official election publications, or to

sections of information contained therein, which has occasionally created confusion and complicated compliance with the law. Accordingly, prior legislative efforts have standardized the terminology used in the Elections Code to refer to these publications. In particular, AB 2911 (Elections & Redistricting Committee), Chapter 422, Statutes of 2016, deleted the terms "sample ballot," "ballot pamphlet," "voter's pamphlet," "voter pamphlet," "state ballot pamphlet," and "statewide voter pamphlet," from the Elections Code, and replaced them with "state voter information guide" or "county voter information guide," as appropriate, except in very limited circumstances.

The PRA, however, still uses the outdated terms "ballot pamphlet" and "sample ballot" in a number of locations. That inconsistency can lead to confusion. This bill standardizes the terminology used in the PRA to conform to the changes that were previously made in the Elections Code.

- 4) **Federal Elections Laws and Proposed Amendments:** In 2014, the federal Office of the Law Revision Counsel announced that various provisions of federal law relating to voting and elections would be transferred from titles 2 and 42 of the United States (US) Code to a new title 52. The Office of Law Revision Counsel, which is responsible for maintaining and publishing the US Code, reorganized these provisions pursuant to an "editorial reclassification" under which provisions of law are relocated from one place to another in the Code without substantive change. Previous legislation authored by the predecessor to this committee (AB 1536 (Elections & Redistricting Committee), Chapter 732, Statutes of 2015) updated various cross references in the Elections Code to reflect this reorganization of federal laws. The PRA, however, still contains two code sections referencing federal law that have not been updated to reflect the reorganization.

To ensure that the PRA contains up-to-date references to relevant provisions of federal law, committee staff recommends the following amendments to this bill:

Amend the beginning of Section 84217 of the Government Code as follows:

84217. When the Secretary of State receives any campaign statement filed pursuant to the federal Election Campaign Act, (~~2 U.S.C.A. Section 431~~ 52 U.S.C.A. Section 30101 et seq.) the Secretary of State shall send a copy of the statement to the following officers:

Amend subdivision (a) of Section 84222 of the Government Code as follows:

84222. (a) For purposes of this title, "multipurpose organization" means an organization described in Sections 501(c)(3) to 501(c)(10), inclusive, of the Internal Revenue Code and that is exempt from taxation under Section 501(a) of the Internal Revenue Code, a federal or out-of-state political organization, a trade association, a professional association, a civic organization, a religious organization, a fraternal society, an educational institution, or any other association or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures. "Multipurpose organization" does not include a business entity, an individual, or a federal candidate's authorized committee, as defined in Section ~~431~~ 30101 of Title ~~2~~ 52 of the United States Code, that is registered and filing reports pursuant to the Federal Election Campaign Act of 1971 (Public Law 92-225).

- 5) **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**

None on file.

Opposition

None on file.

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