

Date of Hearing: March 27, 2012

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1648 (Brownley) – As Introduced: February 13, 2012

SUBJECT: Political Reform Act of 1974: advertisements: disclosure.

SUMMARY: Makes significant changes to required disclosures on campaign advertisements and slate mailers. Specifically, this bill:

- 1) Defines the following terms, for the purposes of this bill:
  - a) "Advertisement" to mean any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or measures. Provides that the term "advertisement" does not include a communication from an organization other than a political party to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, or any other advertisement as determined by the Fair Political Practices Commission (FPPC).
  - b) "Committee disclosure Internet Web site" to mean the Internet Web site for a committee identifying the top identifiable contributors to that committee.
  - c) "Cumulative contributions" to mean the cumulative amount of contributions received by a committee beginning 18 months prior to the date the committee made its first expenditure to qualify, support, or oppose a candidate for elective office or a ballot measure or measures and ending seven days before the advertisement is sent to the printer or broadcast station or uploaded to the Internet.
  - d) "Identifiable contributor" to mean a person or committee that has made cumulative contributions of at least \$10,000 to a committee.
- 2) Requires a radio advertisement that supports or opposes a candidate or ballot measure or solicits contributions in support of that purpose, to include the following:
  - a) If the advertisement is authorized by a candidate or an agent of the candidate, an audio statement in which the candidate identifies himself or herself and states that the candidate has approved the message; or,
  - b) If the advertisement is not authorized by a candidate or agent of a candidate, a disclosure at the end of the ad read in a clearly spoken manner in a pitch and tone substantially similar to the rest of the advertisement that reads as follows:

"Top funders of this ad are [names in descending order of identifiable contributors who made the three largest cumulative contributions to the committee that paid for the advertisement]. Full funding details at [Internet Web site address of the committee

disclosure Internet Web site]."

- 3) Requires a television or video advertisement that supports or opposes a candidate or ballot measure or solicits contributions in support of that purpose, to include the following:
  - a) If the advertisement is authorized by a candidate or an agent of the candidate, a statement in which the candidate identifies himself or herself and states that the candidate has approved the message; or,
  - b) If the advertisement is not authorized by a candidate or agent of a candidate, a full-screen disclosure without audio on black background for a minimum of three seconds that includes all of the following:
    - i) The text "Top Funders for This Ad" located on the top of the screen and centered horizontally. Requires the text to be white in color and the font size to be at least 5 percent of the height of the screen.
    - ii) Immediately below the text detailed above, the logos, if any, as they appear on the Internet Web site homepage of the identifiable contributor, for the identifiable contributors who have made the three largest cumulative contributions to the committee that paid for the advertisement. Requires each logo to occupy at least 15 percent of the width or height of the screen, and to be displayed from left to right in descending order beginning with the largest identifiable contributor.
    - iii) Immediately below the logos, if any, the names of the identifiable contributors who made the three largest cumulative contributions to the committee that paid for the advertisement. Requires each contributor to be disclosed on a separate vertical line, in descending order, beginning with the identifiable contributor who made the largest cumulative contribution on the first line. Requires the names of the identifiable contributors to be centered horizontally, the text to be white in color, and the font size to be at least 5 percent of the height of the screen.
    - iv) The text "Full Funding Details At [Internet Web site address of the committee disclosure Internet Web site]." Requires the text to be white in color, the font size to be equivalent to 4 percent of the height of the screen, and to be located in a position that is vertically 4 percent above the bottom of the screen.
- 4) Requires a mass mailing or print advertisement, other than a slate mailer or an advertisement that is authorized by a candidate or an agent of a candidate, that supports or opposes a candidate or ballot measure or solicits contributions in support of that purpose, and that is paid for by a committee or by any person who is not a committee but who spends over \$1,000 on mass mailing or print advertising cumulatively in the period beginning 18 months prior to the date the person made his or her first expenditure to qualify, support, or oppose the candidate or measure and ending seven days before the mailing or advertisement is sent to the printer, to include a disclosure area on the largest page of the mass mailing or print advertisement that meets all of the following criteria:

- a) Requires the disclosure area to be set apart from the rest of the page on which it is located by a line framing the disclosure area in the shape of a square or rectangle and in a color that is darker than the background color of the remainder of the disclosure area. Requires the disclosure area within the border line to have a solid background color that establishes a contrast to the color of the disclosure text that is equivalent to or greater than the text and background color contrast in other areas of the mass mailing or print advertisement.
  - b) In the case of a mass mailing or print advertisement that is paid for by a committee, requires the disclosure to contain all of the following:
    - i) The text "Top Funders for This Ad" located at the top of the disclosure area and centered horizontally in the disclosure area. Requires the text to be in a font size of at least 14-point for pages smaller than 8.5 inches by 11 inches and at least 16-point for pages that are equal to or larger than 8.5 inches by 11 inches.
    - ii) Immediately below the text detailed above, the logos, if any, as they appear on the Internet Web site homepage of the identifiable contributor, for the identifiable contributors who have made the three largest cumulative contributions to the committee that paid for the advertisement. Requires each logo to occupy at least 8 percent of the width or height of the page on which the disclosure area is located, and to be displayed from left to right in descending order beginning with the largest identifiable contributor.
    - iii) Immediately below the logos, if any, the names of the identifiable contributors who made the three largest cumulative contributions to the committee that paid for the advertisement. Requires each contributor to be disclosed on a separate vertical line, in descending order, beginning with the identifiable contributor who made the largest cumulative contribution on the first line. Requires the names of the identifiable contributors to be centered horizontally, and requires the text to be in a font size of at least 10-point for pages smaller than 8.5 inches by 11 inches and at least 12-point for pages that are equal to or larger than 8.5 inches by 11 inches.
    - iv) The text "Full Funding Details At [Internet Web site address of the committee disclosure Internet Web site]." Requires the text to be located at the bottom of the disclosure area, and to be in a font size of at least 10-point for pages smaller than 8.5 inches by 11 inches and at least 12-point for pages that are equal to or larger than 8.5 inches by 11 inches.
  - c) In the case of a mass mailing or print advertisement that is paid for by a person who is not a committee, requires the disclosure to include the text "This advertisement funded by [name of the person who paid for the mass mailing or print advertisement]." Requires the text to be centered within the disclosure area, and to be in a font size of at least 14-point for pages smaller than 8.5 inches by 11 inches and at least 16-point for pages that are equal to or larger than 8.5 inches by 11 inches.
- 5) Requires a committee that pays for an advertisement for which a disclaimer would have to be included under this bill to establish and maintain a committee disclosure Internet Web site. Provides that if the committee has an Internet Web site home page, that Internet Web site

may also serve as the committee disclosure site. Requires the committee disclosure Internet Web site and any other Web sites maintained by the committee to include a disclosure statement area that complies with all of the following:

- a) The disclosure statement area is at least 250 pixels wide, with a white background and a border that is dark in color.
  - b) A title that reads "Top Funders of This Committee" in black text of at least 10-point font size.
  - c) Immediately below the text identified above, the names of the identifiable contributors who made the ten largest cumulative contributions to the committee that paid for the advertisement. Requires each contributor to be disclosed on a separate vertical line, in descending order, beginning with the identifiable contributor who made the largest cumulative contribution on the first line. Requires the text to be black in color, and the font size to be at least 9-point.
  - d) Immediately below the text detailed above, the logos, if any, as they appear on the Internet Web site homepage of the identifiable contributor, for the identifiable contributors who have made the ten largest cumulative contributions to the committee. Requires each logo to occupy at least 75 horizontal or vertical pixels, and to be displayed from left to right in descending order beginning with the largest identifiable contributor.
  - e) A link to the Internet Web site maintained by the Secretary of State that contains campaign finance disclosures made by the committee pursuant to existing law. Requires the link to be labeled "Full Funding info at the Secretary of State's Internet Web site." Requires the link to be a standard hyperlink that is displayed as blue underlined text in Arial equivalent font in at least 9-point size.
- 6) Requires, if an entity that is disclosed as an identifiable contributor pursuant to this bill is an individual, that the disclosure of that individual also include the occupation and employer of the contributor in addition to the contributor's name if the committee receiving the contribution is supporting or opposing a candidate.
  - 7) Requires, if an entity that is disclosed as an identifiable contributor pursuant to this bill is an individual, that the disclosure of that individual also include the occupation and employer of the contributor in addition to the contributor's name if the committee receiving the contribution is supporting or opposing a ballot measure and the passage or defeat of the ballot measure directly benefits or harms the employer of the identifiable contributor. Provides that if an employer of an identifiable contributor is also an identifiable contributor, that the contributions of the employee shall be deemed to be contributions by the employer for the purposes of determining the total cumulative contributions made by the employer in order to determine which identifiable contributors are disclosed.
  - 8) Provides that if a committee does not have any identifiable contributors, as defined by the bill, the name of that committee shall be included in the advertisement in the place of the identifiable contributors if the committee has received cumulative contributions of at least

\$10,000.

- 9) Requires a slate mailer to include an asterisk (\*) next to each candidate and ballot measure if the appearance of that candidate or ballot measure in the slate mailer has been paid for.
- 10) Repeals a requirement that an advertisement for or against a ballot measure include a disclosure statement identifying the two highest cumulative contributors of \$50,000 or more to the committee funding the advertisement. Repeals a requirement that a broadcast or mass mailing advertisement supporting or opposing a candidate or ballot measure that is paid for by an independent expenditure (IE) must include a disclosure statement identifying the name of the committee making the expenditure and the names of the persons from whom the committee making the IE received its two highest cumulative contributions of \$50,000 or more during the 12-month period prior to the expenditure. Repeals a requirement that an advertisement supporting or opposing a candidate that is paid for by an IE must include a statement that it was not authorized by a candidate or a committee controlled by a candidate.

EXISTING LAW:

- 1) Requires an advertisement for or against any ballot measure to include a disclosure statement identifying any person whose cumulative contributions are \$50,000 or more. Provides that if there are more than two donors of \$50,000 or more, the disclosure only needs to include the highest and second highest donors in that order.
- 2) Requires a committee that supports or opposes one or more ballot measures to name itself using a name or phrase that identifies the economic or other special interest of its major donors of \$50,000 or more. Provides that if the major donors of \$50,000 or more share a common employer, the identity of the employer must also be disclosed.
- 3) Requires a broadcast or mass mailing advertisement supporting or opposing a candidate or ballot measure that is paid for by an IE to include a disclosure statement identifying the name of the committee making the expenditure and the names of the persons from whom the committee making the IE received its two highest cumulative contributions of \$50,000 or more during the 12-month period prior to the expenditure.
- 4) Provides that when a disclosure of the top two donors is required on an advertisement pursuant to either of the above provisions, only the largest donor needs to be disclosed on an advertisement that is an electronic broadcast of 15 seconds or less or a print advertisement of 20 square inches or less.

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

COMMENTS:

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

Campaign spending has reached unprecedented levels in recent years. Over \$200 million was spent on ballot measures alone during the November 2010 election in

California, and even greater amounts of spending are expected for this upcoming election cycle. Although there are limits on the amount of direct contributions candidates can receive, funders can make unlimited contributions to candidates through independent expenditure committees and to ballot measure committees that have significantly shaped the way California is governed. Furthermore, many of these committees are purposely established to disguise who exactly is funding the campaign messages that voters see and hear, hiding behind vague names such as "Californians for Progress." As a result, it is no surprise that an October 2011 Field Poll found that Californians believe reforms must be made to weaken the influence special interests have asserted over direct democracy intended to empower the average citizen: 84% of all voters, across political ideology, want public disclosure requirements of initiative sponsors to more clearly identify who are its major funders.

While it is essential in a democracy for individuals and organizations to be able to communicate effectively and efficiently with voters, it is equally important that voters are not intentionally deceived and elections are not decided upon misinformation. AB 1148 will help cast light on spending in elections by requiring the disclosure of top funding sources directly on all mediums of political advertisements, and requiring campaign committees to maintain a website with a list of its largest funders so voters are able to easily access this important information at all times. At a time when public confidence in its elected officials is unequivocally low, strengthening disclosure requirements on political advertisements is necessary to help Californians be better informed and feel more represented by their government.

- 2) Constitutional Issues: This measure could be interpreted as a violation of the United States and California Constitutions' guarantees to free speech. While the right to freedom of speech is not absolute, when a law burdens core political speech, the restrictions on speech generally must be "narrowly tailored to serve an overriding state interest," McIntyre v. Ohio Elections Commission (1995), 514 US 334.

In Talley v. California (1960), 362 US 60, the United States Supreme Court struck down a Los Angeles City ordinance that required any handbill that was distributed in the city to contain the name and address of the person who printed, wrote, compiled, or manufactured the handbill. The Court found the ordinance to be void on its face, because it believed that the ordinance would restrict freedom of expression, in violation of the First Amendment to the United States Constitution. In its opinion, the Court wrote that there could be "no doubt" that the Los Angeles ordinance requiring disclosure on a handbill "would tend to restrict the freedom to distribute information and thereby freedom of expression." The court continued to note that "[a]nonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all. The obnoxious press licensing law of England, which was also enforced on the Colonies was due in part to the knowledge that exposure of the names of printers, writers, and distributors would lessen the circulation of literature critical of the government. . . . Even the Federalist Papers, written in favor of the adoption of our Constitution, were published under fictitious names. It is plain that anonymity has

sometimes been assumed for the most constructive purposes."

Building on its holding in Talley, the Court more recently considered, in McIntyre, an Ohio law that prohibited the distribution of campaign literature that did not contain the name and address of the person or campaign official issuing the literature. The United States Supreme Court, in reviewing the case, found that the Ohio law unconstitutionally restricted the freedom of speech in violation of the First Amendment to the United States Constitution. In attempting to justify the Ohio law in light of the Court's decision in Talley, the Ohio Elections Commission argued that the two laws were distinguishable because the Ohio law applied only to documents designed to influence voters in an election, whereas the law in question in Talley applied to all handbills. While the Court recognized that the two laws were different in this respect, it nonetheless found that "the category of speech regulated by the Ohio statute occupies the core of the protection offered by the First Amendment," and concluded that "the speech in which Mrs. McIntyre engaged – handing out leaflets in the advocacy of a politically controversial viewpoint – is the essence of First Amendment expression."

Nonetheless, the State of Ohio argued that even under the strictest standard of review, the statute should have been upheld in recognition of two important state interests—preventing fraudulent and libelous statements, and providing the electorate with relevant information. The Court found that neither interest was sufficient to justify the restrictions that the Ohio law imposed on the freedom of expression.

With respect to the interest in preventing fraudulent and libelous statements, the court noted that Ohio already had prohibitions against making or disseminating false statements during political campaigns, and as such, "Ohio's prohibition of anonymous leaflets plainly is not its principal weapon against fraud." The second state interest offered by Ohio was the interest of "providing the electorate with relevant information" – an interest that is similar to the author's stated reason for seeking to require disclosure on advertisements as required by this bill. Here too, however, the McIntyre court found that such an interest was not sufficient to justify the restrictions that the Ohio statute placed on freedom of speech and expression, stating that "[i]nsofar as the interest in informing the electorate means nothing more than the provision of additional information that may either buttress or undermine the argument in a document, we think the identity of the speaker is no different from other components of the document's content that the author is free to include or exclude. . . . The simple interest in providing voters with additional relevant information does not justify a state requirement that a writer make statements or disclosures she would otherwise omit."

Finally, the McIntyre court made an important distinction between a requirement that a person file a report with a government agency to disclose money expended for a campaign advertisement and a requirement that a person must disclose his or her identity on the advertisement itself, noting that while requiring a report to be filed with a government agency "undeniably impedes protected First Amendment activity, the intrusion is a far cry from compelled self-identification on all election-related writings." The court continued, "[a] written election-related document—particularly a leaflet—is often a personally crafted statement of a political viewpoint. . . . As such, identification of the author against her will is particularly intrusive; it reveals unmistakably the content of her thoughts on a controversial issue. Disclosure of an expenditure and its use, without more, reveals far less information. It

may be information that a person prefers to keep secret, and undoubtedly it often gives away something about the spender's political views. Nonetheless, even though money may 'talk,' its speech is less specific, less personal, and less provocative than a handbill - and as a result, when money supports an unpopular viewpoint it is less likely to precipitate retaliation."

Subsequent to the Talley and McIntyre rulings, the Ninth Circuit Court of Appeals has rejected arguments that the Supreme Court's holdings in those two cases apply only to materials created and distributed by individuals who are acting alone. In ACLU v. Heller (2004), 378 F.3d 979, the Ninth Circuit Court of Appeals struck down a Nevada law that required any published material concerning a campaign to identify the person paying for the publication. In an effort to save the law after the Supreme Court's decision in McIntyre, Nevada amended its law to include an exception for campaign materials that were paid for by "a natural person who acts independently and not in cooperation with or pursuant to any direction from a business or social organization, nongovernmental legal entity, or governmental entity." The Court rejected the state's argument that this amendment was sufficient to save the statute in light of McIntyre. In its decision, the Court wrote, "[t]he Court in McIntyre did stress the particular harshness of Ohio's punishment of McIntyre as the sole advocate for her cause. But nothing in the decision indicates that if she had been allied with other individuals, or with a 'business or social organization,' the result would have been different. The anonymity protected by McIntyre is not that of a single cloak." The Court continued to note that all of the concerns that applied to an advertisement distributed or paid for by an individual also applied to an advertisement that was distributed or paid for by an organization. Citing McIntyre, the court wrote, "[s]imilarly, just as a lone 'advocate may believe her ideas will be more persuasive if her readers are unaware of her identity,' because readers may otherwise 'prejudge her message simply because they do not like its proponent,' so, too, groups or individuals working in cooperation with groups may be concerned about readers prejudging the substance of a message by associating their names with the message. In fact, groups are more likely to be associated with a certain viewpoint than are individuals (e.g., Greenpeace, ACLU, the National Rifle Association). So a particular group's concern that its message may be prejudged based on its association with the group could be even more well-founded than an individual's similar concern. Anonymity may allow speakers to communicate their message when preconceived prejudices concerning the message-bearer, if identified, would alter the reader's receptiveness to the substance of the message. Like other choice-of-word and format decisions, the presence or absence of information identifying the speaker is no less a content choice for a group or an individual cooperating with a group than it is for an individual speaking alone" (Internal citations omitted).

Supporters of this bill have argued that, notwithstanding the decisions in the three cases discussed above, the provisions of this bill nonetheless are constitutional, particularly in light of disclosure requirements that were upheld by the United States Supreme Court in Citizens United v. Federal Election Commission (2010), 130 S.Ct. 876. While the Citizens United case is probably best known as the case in which the United States Supreme Court struck down a 63 year old law that prohibited corporations and unions from using their general treasury funds to make independent expenditures in federal elections, in the same case, the Court also upheld certain disclaimer and disclosure provisions of the federal Bipartisan Campaign Reform Act (BCRA) of 2002, also sometimes called "McCain-Feingold" for its Senate authors.



The Citizens United case involved a nonprofit corporation (Citizens United) that sought to run television commercials promoting a film it produced that was critical of then-Senator and presidential candidate Hillary Clinton. Because federal law prohibited corporations and unions from using their general treasury funds to make expenditures for "electioneering communications" or for communications that expressly advocated the election or defeat of a candidate, Citizens United was concerned that the television commercials promoting its film could subject the corporation to criminal and civil penalties. Under BCRA, the film produced by Citizens United and the television commercials promoting that movie were subject to certain disclaimer and disclosure requirements—specifically, a requirement that televised electioneering communications must include a disclaimer indicating the name of the person or organization that was "responsible for the content" of the advertising. Additionally, each communication was required to include a statement that the communication was "not authorized by any candidate or candidate's committee," and was required to display the name and address of the person or group that funded the advertisement. Finally, under a different provision of BCRA, any person who spent more than \$10,000 in a calendar year is required to file a disclosure statement with the Federal Elections Commission (FEC) identifying the person making the expenditure, the amount of the expenditure, the election to which the communication was directed, and the names of contributors in certain circumstances.

Citizens United (the corporation) challenged these disclaimer and disclosure requirements as applied to the film and the television advertisements promoting that film. Specifically, Citizens United argued that the disclaimer and disclosure requirements were unconstitutional on the grounds the governmental interest in providing information to the electorate did not justify requiring disclaimers for commercial advertisements. The court disagreed, finding that the disclaimers provided the electorate with important information, helping to ensure that voters were informed, and "avoid[ed] confusion by making clear that the ads are not funded by a candidate or political party."

While some of the requirements of this bill are comparable to provisions of federal law that were at issue in Citizens United (for instance, certain disclaimer requirements included in this bill are very similar to those required under federal law that were upheld by the court in Citizens United), other requirements in this bill go beyond what is required by federal law, and beyond what was considered by the court in Citizens United. Specifically, the provisions of this bill that require the identities of certain campaign contributors—entities that were not individually responsible for the content or the production of the advertising—to be included in campaign advertising go beyond what is required by federal law. In light of that fact, while the court in Citizens United did uphold certain federal disclaimer requirements, it is unclear whether the broader requirements in this bill would similarly be upheld against a constitutional challenge on the grounds that those requirements violate the First Amendment. It is also possible, however, that the disclaimers and disclosures that are required under existing state law could be susceptible to challenge as well on the same grounds.

- 3) Third Party Payment for Slate Mailer Placement: Under existing law, a slate mailer must have an asterisk next to a ballot measure or candidate that appears in the slate mailer if that candidate or ballot measure has paid to appear in the slate mailer. However, if someone other than the candidate or ballot measure committee pays to include a candidate or ballot measure committee in the slate mailer, no asterisk or other designation is included in the

mailer. So, for instance, if a general purpose committee makes an independent expenditure by paying a slate mailer to include a candidate that the general purpose committee has endorsed, the slate mailer itself would have no indication that the appearance of that candidate was paid for by the general purpose committee.

This bill would require a slate mailer to include an asterisk next to a candidate or ballot measure if a payment was made to the publisher of that slate mailer for the appearance of that candidate or measure, regardless of whether the payment was made by the candidate or ballot measure committee or by a third party.

- 4) Arguments in Support: The sponsor of this bill, the California Clean Money Campaign, writes:

Full and complete disclosure in political advertising is needed now more than ever. The Supreme Court's 5-4 *Citizens United v. FEC* decision unleashed the floodgates of anonymous spending on campaigns by ruling there could be no limits on outside spending by corporations, unions, or individuals. At the same time, the Court in *Citizens United* specifically noted the problems that result when groups run ads "while hiding behind dubious and misleading names". Over \$235 million was spent on California ballot measures in 2010 alone, almost all of it by veiled actors hiding behind innocuous sounding names that hide their real funders.

AB 1648 addresses these problems by requiring the three largest funders of political ads to be clearly identified with their names and logos on the ads themselves, so voters know who is actually paying for them. It applies to all television ads, radio ads, print ads, mass mailers, and websites for or against state and local ballot measures, and to independent expenditures for and against candidates. It applies whether ads are paid for by corporations, unions, millionaires, or anybody else.

AB 1648 is constitutional and reasonable. It in fact reduces the time required for disclosure in typical radio ads from 10-14 seconds in many cases under current law down to only 6-7 seconds in most cases, while at the same time being far clearer about who is actually paying for the ads. Required disclosure for television ads is only 3 seconds, enough to clearly get across to the viewers who the top three funders of the ad are, without imposing an undue burden on political advertisers.

- 5) Arguments in Opposition: In opposition to this bill, the California Chamber of Commerce writes:

At a time when California voters have no higher priority than jobs, this bill is bad public policy. California employers have a track record of supporting those candidates who will help bring more jobs to our state. AB 1648 is clearly written with the goal of curtailing the voice of employers and their participation in the election process. Without business community participation in the election process, voters will have less access to vital information about where candidates

stand on job creation and the elements needed for our state to begin and sustain an economic recovery.

Stifling any voice in an election is bad for democracy. In these times, particularly, silencing the voice of those who can help California recover so we can fund essential and necessary programs like education and health care is even more troublesome.

Contrary to the proponent's assertion, campaign disclosure information is already public and readily available. This information is easily accessible on the Secretary of State's website.

- 6) Technical Issues: One provision of this bill specifies the manner in which a disclaimer must appear on a television or video advertisement that supports a candidate and that is authorized by that candidate. According to the author, this requirement is intended to mirror a provision of federal law that requires a candidate to include a statement in his or her television advertisements indicating that he or she has approved the communication. However, as currently written, this bill is actually somewhat broader than existing federal law, which was not the intent of the author. In order to make the provisions of this bill consistent with what is required under existing federal law, committee staff recommends the following amendments: On page 9, line 13, strike out "candidate, alone," and insert: "candidate" and on page 9, line 15, strike out "candidate, alone," and insert "candidate."

Additionally, committee staff recommends the following amendment to correct a typographical error in this bill: On page 11, line 9, strike out "Fenders" and insert "Funders."

- 7) Previous Legislation: This bill is substantially similar to AB 1148 (Brownley) from the current Legislative session. AB 1148 was approved by this committee by a 5-0 vote, but failed passage on the Assembly Floor on a 52-26 vote. Because AB 1148 was introduced in 2011 and failed to pass out of the Assembly prior to January 31, 2012, it is no longer eligible to be acted on by the Assembly pursuant to Article IV, Section 10 (c) of the California Constitution.
- 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. Most amendments to the PRA that are not submitted to the voters, including 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 Clean Money Campaign (sponsor)

In addition, the California Clean Money Campaign submitted copies of petitions signed by approximately 750 individuals in support of AB 1648

California Alliance for Retired Americans

California Church IMPACT

California Common Cause

California League of Conservation Voters

California National Organization for Women

California State Retirees

CALPIRG

City of Santa Monica

City of Sunnyvale

Consumer Federation of California

Friends Committee on Legislation of California

Green Chamber of Commerce

Greenlining Institute

JERICHO: A Voice for Justice

League of Women Voters of California

Lutheran Office of Public Policy – California

MapLight

Moms for Clean Air

National Council of Jewish Women

National Women's Political Caucus—Fresno County

Planning and Conservation League

Sierra Club California

Southwest California Synod Evangelical Lutheran Church in America

Opposition

California Chamber of Commerce. In its letter of opposition, the California Chamber of Commerce indicated that the following groups are also opposed to this bill:

Air Conditioning Trade Association

American Council of Engineering Companies of California

Associated General Contractors

Association of California Life and Health Insurance Companies

Bakersfield Chamber of Commerce

California Apartment Association

California Broadcasters Association

California Building Industry Association

California Business Properties Association

California Business Roundtable

California Grocers Association

California Manufacturers and Technology Association

California Restaurant Association

Chambers of Commerce Alliance of Ventura & Santa Barbara Counties  
Long Beach Area Chamber of Commerce  
Palm Desert Area Chamber of Commerce  
Personal Insurance Federation of California  
Pharmaceutical Manufacturers Association  
Plumbing-Heating-Cooling Contractors Association of California  
San Jose Silicon Valley Chamber of Commerce  
Western Electrical Contractors Association, Inc.  
Simi Valley Chamber of Commerce  
Southwest Riverside County Legislative Council

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