

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 27

Introduced by Senator Correa

December 3, 2012

An act to amend Section 9084 of the Elections Code, and to amend Sections 82015 and 88001 of, and to add Sections 84222 and 84223 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Correa. Political Reform Act of 1974.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, as defined, and imposing other reporting and recordkeeping requirements on campaign committees, as defined. The Fair Political Practices Commission administers and enforces the act. A violation of the act's provisions is punishable as a misdemeanor.

This bill would revise the definition of a "contribution" to include payments made by a donor who, at the time of making the payment, knows or has reason to know that the payment, or funds with which the payment will be commingled, ~~will~~ *may* be used to make contributions or expenditures. ~~The bill establishes presumptions as to whether would establish a presumption that a donor to a nonprofit or other multipurpose organization, as defined, has reason to know that a payment will may be used to make contributions or expenditures based on the number of years the recipient has existed and the amount of the recipient's first contribution or expenditure, as specified if specified criteria are satisfied, including, among other things, that the organization has made contributions or expenditures of \$1,000 or more~~

in the aggregate during the calendar year in which the payment occurs or during any of the immediately preceding 4 calendar years.

~~This bill would impose reporting requirements on a specified nonprofit or other multipurpose organization, as defined, that receives donations and uses those donations to make contributions or expenditures of \$1,000 or more in a calendar year in this state. The bill would also authorize the Commission to perform discretionary audits of these reports, as specified organizations, including the requirement that the organizations disclose the portion of their activities devoted to California elections and specified information regarding the sources of an organization's funds used to make those contributions and expenditures, such as donors and dues-paying members.~~

This bill would require ballot measure committees and candidate committees that raise \$1,000,000 or more for an election to maintain an accurate list of the committee's top 10 contributors, ~~which are to be posted on the Commission's Internet Web site as well as the committee's Internet Web site, if any.~~ *This bill would require a committee to provide accurate lists of these contributors to the Commission, and would require the Commission to post the top 10 contributor lists on its Internet Web site and to post updates to those lists when prescribed events occur. The bill would require the Commission to provide copies of the top 10 contributor lists to the Secretary of State, at the Secretary of State's request, for purposes of posting those lists on the Secretary of State's Internet Web site.*

Existing law requires the Secretary of State to prepare a ballot pamphlet that includes specified information with respect to an election.

This bill would require the Secretary of State to include in the ballot pamphlet a written explanation of the top 10 contributor lists required by the bill, including a description of the Internet Web sites where those lists would be available to the public.

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 no reimbursement is required by this act for a specified reason.

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 and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Nonprofit and other multipurpose organizations *within and*
4 *outside the state* are increasing their political activities and some
5 are seeking to make contributions and expenditures in California
6 elections without revealing their financial backers. *Wealthy*
7 *individuals and other deep-pocketed interests should not be able*
8 *to spend anonymously in California elections by contributing to*
9 *these groups. Nonprofit organizations and other advocacy groups*
10 *should not be used as intermediaries to conceal the identities of*
11 *donors who are required to be disclosed to the public pursuant to*
12 *the Political Reform Act of 1974.*

13 ~~(b) Certain donors attempt to obscure their identities from the~~
14 ~~public by making donations to one organization or entity which~~
15 ~~then makes donations to a separate organization or campaign~~
16 ~~committee, or by routing funds through a succession of committees.~~
17 ~~Committees themselves are in the best position to know who their~~
18 ~~financial backers are and to provide this information to the public~~
19 ~~in an accurate, timely, and transparent manner.~~

20 ~~(e) Under the~~

21 ~~(b) The Political Reform Act of 1974; should be strengthened~~
22 ~~to require nonprofit and other multipurpose organizations that~~
23 ~~make contributions or expenditures to support or oppose California~~
24 ~~candidates or ballot measures are subject to the same rules as those~~
25 ~~entities that raise funds specifically for California elections — they~~
26 ~~must to disclose the sources of funds used for their political~~
27 ~~contributions and expenditures, just as committees that raise funds~~
28 ~~specifically for California elections must. This disclosure should~~
29 ~~be limited to the extent of the group's political activity in~~
30 ~~California. The Ninth Circuit Court of Appeals, in California~~
31 ~~Pro-Life Council, Inc. v. Randolph (9th Cir. 2007) 507 F.3d 1172,~~
32 ~~upheld the disclosure of a nonprofit or other multipurpose~~
33 ~~organization's political activities, as required by regulations of~~
34 ~~the Fair Political Practices Commission.~~

1 (c) *The disclosure of donors to nonprofit or other multipurpose*
 2 *organizations that make contributions or expenditures to support*
 3 *or oppose California candidates and ballot measures serves the*
 4 *following important purposes:*

5 (1) *It provides the electorate with information as to where*
 6 *campaign money comes from, increasing its ability to identify the*
 7 *supporters of a candidate or ballot measure.*

8 (2) *It deters actual corruption and avoids the appearance of*
 9 *corruption by exposing large contributions and expenditures to*
 10 *the light of publicity.*

11 (3) *It is an important means of gathering the information*
 12 *necessary to detect violations of the Political Reform Act of 1974.*

13 (4) *It prevents people and organizations from being able to*
 14 *mask their identities by pretending to make contributions for, or*
 15 *to be formed for, a nonpolitical purpose.*

16 (d) *The people of California have a compelling interest in*
 17 *receiving clear and easy to use information about who is financing*
 18 *ballot measures and candidate independent expenditure*
 19 *committees. Committees themselves are in the best position to*
 20 *provide the public with information about their top 10 financial*
 21 *backers in an accurate, timely, and transparent manner.*

22 ~~(d)~~

23 (e) *It is therefore the intent of the Legislature to strengthen the*
 24 *laws requiring the disclosure of contributions and expenditures in*
 25 *California elections by nonprofit and other multipurpose*
 26 *organizations and to require Internet posting of a list of the top ten*
 27 *contributors to a committee primarily formed to support or oppose,*
 28 *and raising or spending one million dollars (\$1,000,000) or more*
 29 *to support or oppose, ballot measures or candidates committees*
 30 *that raise or spend one million dollars (\$1,000,000) or more to*
 31 *support or oppose ballot measures or make independent*
 32 *expenditures on behalf of a candidate to disclose a list of their top*
 33 *10 contributors on the Internet Web site of the Fair Political*
 34 *Practices Commission.*

35 *SEC. 2. Section 9084 of the Elections Code is amended to read:*

36 *9084. The ballot pamphlet shall contain all of the following:*

37 (a) *A complete copy of each state measure.*

38 (b) *A copy of the specific constitutional or statutory provision,*
 39 *if any, that each state measure would repeal or revise.*

1 (c) A copy of the arguments and rebuttals for and against each
2 state measure.

3 (d) A copy of the analysis of each state measure.

4 (e) Tables of contents, indexes, art work, graphics, and other
5 materials that the Secretary of State determines will make the ballot
6 pamphlet easier to understand or more useful for the average voter.

7 (f) A notice, conspicuously printed on the cover of the ballot
8 pamphlet, indicating that additional copies of the ballot pamphlet
9 will be mailed by the county elections official upon request.

10 (g) A written explanation of the judicial retention procedure as
11 required by Section 9083.

12 (h) The Voter Bill of Rights pursuant to Section 2300.

13 (i) If the ballot contains an election for the office of United
14 States Senator, information on candidates for United States Senator.
15 A candidate for United States Senator may purchase the space to
16 place a statement in the state ballot pamphlet that does not exceed
17 250 words. The statement may not make any reference to any
18 opponent of the candidate. The statement shall be submitted in
19 accordance with timeframes and procedures set forth by the
20 Secretary of State for the preparation of the state ballot pamphlet.

21 (j) If the ballot contains a question on the confirmation or
22 retention of a justice of the Supreme Court, information on justices
23 of the Supreme Court who are subject to confirmation or retention.

24 (k) If the ballot contains an election for the offices of President
25 and Vice President of the United States, a notice that refers voters
26 to the Secretary of State’s Internet Web site for information about
27 candidates for the offices of President and Vice President of the
28 United States.

29 *(l) A written explanation of the appropriate election procedures*
30 *for party-nominated, voter-nominated, and nonpartisan offices as*
31 *required by Section 9083.5.*

32 *(m) A written explanation of the top 10 contributor lists required*
33 *by Section 84223 of the Government Code, including a description*
34 *of the Internet Web sites where those lists are available to the*
35 *public.*

36 ~~SEC. 2.~~

37 SEC. 3. Section 82015 of the Government Code is amended
38 to read:

39 82015. (a) “Contribution” means a payment, a forgiveness of
40 a loan, a payment of a loan by a third party, or an enforceable

1 promise to make a payment except to the extent that full and
2 adequate consideration is received, unless it is clear from the
3 surrounding circumstances that it is not made for political purposes.

4 (b) (1) A payment made at the behest of a committee as defined
5 in subdivision (a) of Section 82013 is a contribution to the
6 committee unless full and adequate consideration is received from
7 the committee for making the payment.

8 (2) A payment made at the behest of a candidate is a contribution
9 to the candidate unless the criteria in either subparagraph (A) or
10 (B) are satisfied:

11 (A) Full and adequate consideration is received from the
12 candidate.

13 (B) It is clear from the surrounding circumstances that the
14 payment was made for purposes unrelated to his or her candidacy
15 for elective office. The following types of payments are presumed
16 to be for purposes unrelated to a candidate's candidacy for elective
17 office:

18 ~~(i)~~

19 (i) A payment made principally for personal purposes, in which
20 case it may be considered a gift under the provisions of Section
21 82028. Payments that are otherwise subject to the limits of Section
22 86203 are presumed to be principally for personal purposes.

23 (ii) A payment made by a state, local, or federal governmental
24 agency or by a nonprofit organization that is exempt from taxation
25 under Section 501(c)(3) of the Internal Revenue Code.

26 (iii) A payment not covered by clause ~~(i)~~ (i), made principally
27 for legislative, governmental, or charitable purposes, in which case
28 it is neither a gift nor a contribution. However, payments of this
29 type that are made at the behest of a candidate who is an elected
30 officer shall be reported within 30 days following the date on which
31 the payment or payments equal or exceed five thousand dollars
32 (\$5,000) in the aggregate from the same source in the same
33 calendar year in which they are made. The report shall be filed by
34 the elected officer with the elected officer's agency and shall be
35 a public record subject to inspection and copying pursuant to
36 subdivision (a) of Section 81008. The report shall contain the
37 following information: name of payor, address of payor, amount
38 of the payment, date or dates the payment or payments were made,
39 the name and address of the payee, a brief description of the goods
40 or services provided or purchased, if any, and a description of the

1 specific purpose or event for which the payment or payments were
2 made. Once the five-thousand-dollar (\$5,000) aggregate threshold
3 from a single source has been reached for a calendar year, all
4 payments for the calendar year made by that source must be
5 disclosed within 30 days after the date the threshold was reached
6 or the payment was made, whichever occurs later. Within 30 days
7 after receipt of the report, state agencies shall forward a copy of
8 these reports to the Fair Political Practices Commission, and local
9 agencies shall forward a copy of these reports to the officer with
10 whom elected officers of that agency file their campaign
11 statements.

12 (C) For purposes of subparagraph (B), a payment is made for
13 purposes related to a candidate's candidacy for elective office if
14 all or a portion of the payment is used for election-related activities.
15 For purposes of this subparagraph, "election-related activities"
16 shall include, but are not limited to, the following:

17 ~~(H)~~

18 (i) Communications that contain express advocacy of the
19 nomination or election of the candidate or the defeat of his or her
20 opponent.

21 (ii) Communications that contain reference to the candidate's
22 candidacy for elective office, the candidate's election campaign,
23 or the candidate's or his or her opponent's qualifications for
24 elective office.

25 (iii) Solicitation of contributions to the candidate or to third
26 persons for use in support of the candidate or in opposition to his
27 or her opponent.

28 (iv) Arranging, coordinating, developing, writing, distributing,
29 preparing, or planning of any communication or activity described
30 in clause ~~(H)~~ (i), (ii), or (iii).

31 (v) Recruiting or coordinating campaign activities of campaign
32 volunteers on behalf of the candidate.

33 (vi) Preparing campaign budgets.

34 (vii) Preparing campaign finance disclosure statements.

35 (viii) Communications directed to voters or potential voters as
36 part of activities encouraging or assisting persons to vote if the
37 communication contains express advocacy of the nomination or
38 election of the candidate or the defeat of his or her opponent.

1 (D) A contribution made at the behest of a candidate for a
2 different candidate or to a committee not controlled by the
3 behesting candidate is not a contribution to the behesting candidate.

4 (3) A payment made at the behest of a member of the Public
5 Utilities Commission, made principally for legislative,
6 governmental, or charitable purposes, is not a contribution.
7 However, payments of this type shall be reported within 30 days
8 following the date on which the payment or payments equal or
9 exceed five thousand dollars (\$5,000) in the aggregate from the
10 same source in the same calendar year in which they are made.
11 The report shall be filed by the member with the Public Utilities
12 Commission and shall be a public record subject to inspection and
13 copying pursuant to subdivision (a) of Section 81008. The report
14 shall contain the following information: name of payor, address
15 of payor, amount of the payment, date or dates the payment or
16 payments were made, the name and address of the payee, a brief
17 description of the goods or services provided or purchased, if any,
18 and a description of the specific purpose or event for which the
19 payment or payments were made. Once the five-thousand-dollar
20 (\$5,000) aggregate threshold from a single source has been reached
21 for a calendar year, all payments for the calendar year made by
22 that source must be disclosed within 30 days after the date the
23 threshold was reached or the payment was made, whichever occurs
24 later. Within 30 days after receipt of the report, the Public Utilities
25 Commission shall forward a copy of these reports to the Fair
26 Political Practices Commission.

27 (c) "Contribution" includes the purchase of tickets for events
28 such as dinners, luncheons, rallies, and similar fundraising events;
29 the candidate's own money or property used on behalf of his or
30 her candidacy other than personal funds of the candidate used to
31 pay either a filing fee for a declaration of candidacy or a candidate
32 statement prepared pursuant to Section 13307 of the Elections
33 Code; the granting of discounts or rebates not extended to the
34 public generally or the granting of discounts or rebates by television
35 and radio stations and newspapers not extended on an equal basis
36 to all candidates for the same office; the payment of compensation
37 by any person for the personal services or expenses of any other
38 person if the services are rendered or expenses incurred on behalf
39 of a candidate or committee without payment of full and adequate
40 consideration.

1 (d) “Contribution” further includes any transfer of anything of
2 value received by a committee from another committee, unless
3 full and adequate consideration is received.

4 (e) “Contribution” does not include amounts received pursuant
5 to an enforceable promise to the extent those amounts have been
6 previously reported as a contribution. However, the fact that those
7 amounts have been received shall be indicated in the appropriate
8 campaign statement.

9 (f) “Contribution” does not include a payment made by an
10 occupant of a home or office for costs related to any meeting or
11 fundraising event held in the occupant’s home or office if the costs
12 for the meeting or fundraising event are five hundred dollars (\$500)
13 or less.

14 (g) Notwithstanding the foregoing definition of “contribution,”
15 the term does not include volunteer personal services or payments
16 made by any individual for his or her own travel expenses if the
17 payments are made voluntarily without any understanding or
18 agreement that they shall be, directly or indirectly, repaid to him
19 or her.

20 (h) “Contribution” further includes the payment of public
21 moneys by a state or local governmental agency for a
22 communication to the public that satisfies both of the following:

23 (1) The communication expressly advocates the election or
24 defeat of a clearly identified candidate or the qualification, passage,
25 or defeat of a clearly identified measure, or, taken as a whole and
26 in context, unambiguously urges a particular result in an election.

27 (2) The communication is made at the behest of the affected
28 candidate or committee.

29 (⊕)

30 (i) (1) “Contribution” further includes a payment made to a
31 person, *including, but not limited to, a nonprofit or other*
32 *multipurpose organization as defined in Section 84222*, if, at the
33 time of making the payment, the donor knows or has reason to
34 know that the payment, or funds with which the payment will be
35 commingled, ~~will~~ *may* be used to make a contribution or
36 expenditure. ~~If the donor knows or has reason to know that only~~
37 ~~part of the payment will be used to make a contribution or~~
38 ~~expenditure, the payment shall be apportioned on a reasonable~~
39 ~~basis in order to determine the amount of the contribution to~~
40 *support or oppose a California state or local candidate or ballot*

1 *measure. Contributions that satisfy the criteria of this subdivision*
2 *shall be reported in the manner prescribed by Section 84222.*

3 ~~(2) For purposes of paragraph (1), if the person receiving the~~
4 ~~payment has been in existence for two years or more prior to~~
5 ~~making a contribution or expenditure in this state and the person's~~
6 ~~first contribution or expenditure in this state is less than five~~
7 ~~hundred thousand dollars (\$500,000), there shall be a presumption~~
8 ~~that the donor does not have a donor to a nonprofit or other~~
9 ~~multipurpose organization has reason to know that all or part of~~
10 ~~the payment will may be used to make a contribution or~~
11 ~~expenditure, unless the person has made contributions or~~
12 ~~expenditures of one thousand dollars (\$1,000) or more in the~~
13 ~~aggregate during the calendar year in which the payment occurs,~~
14 ~~or in any of the immediately preceding four calendar years.~~

15 ~~(3) For purposes of paragraph (1), if the person receiving the~~
16 ~~payment has been in existence for less than two years prior to~~
17 ~~making a contribution or expenditure in this state or the person's~~
18 ~~first contribution or expenditure in this state is five hundred~~
19 ~~thousand dollars (\$500,000) or more, there shall be a presumption~~
20 ~~that the donor has reason to know that all or part of the payment~~
21 ~~will be used to make a contribution or expenditure.~~

22 ~~(4) A donor who makes a contribution described in paragraph~~
23 ~~(1) shall be identified and reported by the person receiving the~~
24 ~~contribution in accordance with regulations adopted by the~~
25 ~~Commission. expenditure if any of the following criteria are~~
26 ~~satisfied:~~

27 ~~(A) The nonprofit or other multipurpose organization has made~~
28 ~~contributions or expenditures of one thousand dollars (\$1,000) or~~
29 ~~more in the aggregate during the calendar year in which the~~
30 ~~payment occurs or during any of the immediately preceding four~~
31 ~~calendar years.~~

32 ~~(B) The nonprofit or other multipurpose organization has made~~
33 ~~payments totaling five hundred thousand dollars (\$500,000) or~~
34 ~~more for contributions or expenditures in this state during the~~
35 ~~calendar year in which the payment occurs.~~

36 ~~(C) The nonprofit or other multipurpose organization has~~
37 ~~disclosed contributions or expenditures to support or oppose~~
38 ~~candidates or ballot measures, or for issue advocacy activities, in~~
39 ~~this state on any publicly available annual or periodic report of~~
40 ~~its activities, including Internal Revenue Service Form 990, filed~~

1 with a federal, state, or local government agency during the
2 calendar year in which the payment occurs or during any of the
3 immediately preceding four calendar years.

4 (D) The nonprofit or other multipurpose organization has a
5 sponsored committee registered with the Secretary of State.

6 ~~SEC. 3.~~

7 SEC. 4. Section 84222 is added to the Government Code, to
8 read:

9 84222. (a) For purposes of this section, ~~“multipurpose and~~
10 ~~Section 82015, “nonprofit or other multipurpose organization”~~
11 means a nonprofit organization, a federal or out-of-state political
12 action committee, or a local club focusing on educational or social
13 activities formed and operated under Section 501(c)(3), 501(c)(4),
14 501(c)(5), or 501(c)(6) of the Internal Revenue Code, a federal or
15 out-of-state political organization, or an unincorporated
16 association.

17 (b) ~~A multipurpose organization that receives donations and~~
18 ~~uses those donations to make contributions or expenditures of one~~
19 ~~thousand dollars (\$1,000) or more in a calendar year in this state~~
20 ~~shall disclose the donors that are the sources of the donations used~~
21 ~~to make contributions or expenditures, in accordance with~~
22 ~~regulations adopted by the Commission.~~

23 (c) ~~A multipurpose organization that makes contributions or~~
24 ~~expenditures in this state is subject to discretionary audits~~
25 ~~conducted by the Commission. An audit conducted pursuant to~~
26 ~~this subdivision shall be limited to examining the multipurpose~~
27 ~~organization’s contributions or expenditures in this state and the~~
28 ~~donations that are the sources of the funds for those contributions~~
29 ~~or expenditures. During an audit, a multipurpose organization shall~~
30 ~~make its records of donors available for inspection by the~~
31 ~~Commission, if requested. A multipurpose organization shall keep~~
32 ~~copies of its fundraising solicitations and, during an audit, make~~
33 ~~those solicitations available for inspection by the Commission, if~~
34 ~~requested.~~

35 (b) *A nonprofit or other multipurpose organization that qualifies*
36 *as a committee under Section 82013 shall file the campaign*
37 *statements required by this title and shall disclose the portion of*
38 *its activities devoted to California state and local elections. The*
39 *organization’s campaign statements shall report its contributions*
40 *and expenditures to support or oppose state and local candidates*

1 and ballot measures in California and shall itemize the sources
2 of funds used to make those contributions and expenditures,
3 including, but not limited to, donors and dues-paying members.

4 (c) A donor who makes a contribution described in subdivision
5 (i) of Section 82015 to a nonprofit or other multipurpose
6 organization that qualifies as a committee shall be identified and
7 reported by the organization that receives the contribution in
8 accordance with regulations adopted by the Commission. The
9 Commission's regulations shall provide that the nonprofit or other
10 multipurpose organization identify each donor who requests or
11 knows that the donor's payment will be used by the organization
12 to make a contribution or an expenditure to support or oppose a
13 candidate or ballot measure in California. The Commission's
14 regulations shall further provide that the nonprofit or other
15 multipurpose organization identify other donors to the organization
16 based on a "last in, first out" accounting method, and shall specify
17 the formula for that determination. However, a donor need not be
18 reported as a contributor pursuant to this section if the
19 organization has evidence that clearly establishes specific
20 circumstances demonstrating that the donor did not know or have
21 reason to know that its payment would be used to fund a
22 contribution or expenditure.

23 (d) A nonprofit or other multipurpose organization that qualifies
24 as a committee and discloses its activities devoted to California
25 elections pursuant to this section shall, on the organization's
26 statement of organization filed pursuant to Section 84102, indicate
27 that organization's tax-exempt or other organizational status,
28 describe the organization's mission or most significant activities,
29 and describe the organization's political activities.

30 (e) A nonprofit or other multipurpose organization that qualifies
31 as a committee and files campaign statements required by this title
32 to disclose its activities devoted to California elections shall state
33 the total dollar amount of, and the percentage of its total
34 expenditures devoted to, contributions and expenditures supporting
35 or opposing California candidates or ballot measures on its
36 semi-annual statement due on January 31 for the period
37 commencing July 1 and ending December 31, and on its Internet
38 Web site, if any.

39 (f) A person shall not use a nonprofit or other multipurpose
40 organization as an intermediary or agent for the purpose of making

1 a contribution on behalf of that person without providing to the
2 organization all of the information required to be disclosed by
3 Section 84302. A nonprofit or other multipurpose organization
4 shall disclose the identity of a person for whom the organization
5 is acting as an intermediary or agent to the recipient of the
6 contribution, as well as all other information required by Section
7 84302. The nonprofit or other multipurpose organization shall not
8 knowingly conceal the name of a donor for whom the organization
9 makes a contribution as an intermediary or agent for the purpose
10 of withholding information required to be made public under this
11 title.

12 ~~SEC. 4.~~

13 SEC. 5. Section 84223 is added to the Government Code, to
14 read:

15 84223. (a) A committee primarily formed to support or oppose
16 a ballot measure or candidate that raises one million dollars
17 (\$1,000,000) or more for an election shall maintain an accurate
18 ~~and publicly available~~ list of the committee's top ~~ten~~ 10
19 contributors, as specified by Commission regulations. ~~The A~~
20 ~~current~~ list of the top ~~ten~~ 10 contributors shall be ~~posted on~~
21 ~~provided to the Commission for disclosure on~~ the Commission's
22 Internet Web site ~~and posted prominently on the committee's~~
23 ~~Internet Web site, if any, as provided in subdivision (c).~~

24 (b) (1) Except as provided in paragraph (4), the list of top 10
25 contributors shall identify the names of the 10 persons who have
26 made the largest cumulative contributions to the committee, the
27 total amount of each person's contributions, the city and state of
28 the person, the person's committee identification number, if any,
29 and any other information deemed necessary by the Commission.

30 (2) (A) A committee primarily formed to support or oppose a
31 ballot measure shall count the cumulative amount of contributions
32 received by the committee from a person for the period beginning
33 12 months prior to the date the committee made its first expenditure
34 to qualify, support, or oppose the measure and ending with the
35 current date.

36 (B) A committee primarily formed to support or oppose a
37 candidate shall count the cumulative amount of contributions
38 received by the committee from a person for the primary and
39 general elections combined.

1 (3) *The aggregation rules of Section 85311 and any*
2 *implementing regulations adopted by the Commission shall apply*
3 *in identifying the persons who have made the top 10 cumulative*
4 *contributions to a committee.*

5 (4) *A person who makes contributions to a committee in a*
6 *cumulative amount of less than ten thousand dollars (\$10,000)*
7 *shall not be identified or disclosed as a top 10 contributor to a*
8 *committee pursuant to this section.*

9 (c) (1) *The Commission shall adopt regulations to govern the*
10 *manner in which the Commission shall display top 10 contributor*
11 *lists provided by a committee that is subject to this section, and*
12 *the Commission shall post the top 10 contributor lists on its*
13 *Internet Web site in the manner prescribed by those regulations.*
14 *The Commission shall provide the top 10 contributor lists to the*
15 *Secretary of State, upon the request of the Secretary of State, for*
16 *the purpose of additionally posting the contributor lists on the*
17 *Secretary of State's Internet Web site.*

18 (2) *A committee shall provide an updated top 10 contributor*
19 *list to the Commission when any of the following occurs:*

20 (A) *A new person qualifies as a top 10 contributor to the*
21 *committee.*

22 (B) *A person who is an existing top 10 contributor makes*
23 *additional contributions to the committee.*

24 (C) *A change occurs that alters the relative ranking order of*
25 *the top 10 contributors.*

26 (3) *The 10 persons who have made the largest cumulative*
27 *contributions to a committee shall be listed in order from largest*
28 *contribution amount to smallest amount. If two or more*
29 *contributors of identical amounts meet the threshold for inclusion*
30 *in the list of top 10 contributors, the order of disclosure shall be*
31 *made beginning with the most recent contributor of that amount.*

32 (4) *The Commission shall post or update a top 10 contributor*
33 *list within five business days or, during the 16 days before the*
34 *election, within 48 hours of a contributor qualifying for the list or*
35 *of any change to the list.*

36 ~~(b)~~

37 (d) *In listing the top ~~ten~~ 10 contributors, ~~the~~ a committee shall*
38 *use reasonable efforts to identify and state the actual individuals*
39 *or corporations that are the true sources of the contributions made*
40 *to the committee from other persons or committees.*

1 (e) In addition to any other lists that the Commission is required
2 to post on its Internet Web site, the Commission shall compile,
3 maintain, and display on its Internet Web site a current list of the
4 top 10 contributors supporting and opposing each state ballot
5 measure, as prescribed by Commission regulations.

6 SEC. 6. Section 88001 of the Government Code is amended to
7 read:

8 88001. The ballot pamphlet shall contain all of the following:

9 (a) A complete copy of each state measure.

10 (b) A copy of the specific constitutional or statutory provision,
11 if any, that would be repealed or revised by each state measure.

12 (c) A copy of the arguments and rebuttals for and against each
13 state measure.

14 (d) A copy of the analysis of each state measure.

15 (e) Tables of contents, indexes, art work, graphics and other
16 materials that the Secretary of State determines will make the ballot
17 pamphlet easier to understand or more useful for the average voter.

18 (f) A notice, conspicuously printed on the cover of the ballot
19 pamphlet, indicating that additional copies of the ballot pamphlet
20 will be mailed by the county elections official upon request.

21 (g) A written explanation of the judicial retention procedure as
22 required by Section 9083 of the Elections Code.

23 (h) The Voter Bill of Rights pursuant to Section 2300 of the
24 Elections Code.

25 (i) If the ballot contains an election for the office of United
26 States Senator, information on candidates for United States Senator.
27 A candidate for United States Senator may purchase the space to
28 place a statement in the state ballot pamphlet that does not exceed
29 250 words. The statement may not make any reference to any
30 opponent of the candidate. The statement shall be submitted in
31 accordance with timeframes and procedures set forth by the
32 Secretary of State for the preparation of the state ballot pamphlet.

33 (j) If the ballot contains a question as to the confirmation or
34 retention of a justice of the Supreme Court, information on justices
35 of the Supreme Court who are subject to confirmation or retention.

36 (k) If the ballot contains an election for the offices of President
37 and Vice President of the United States, a notice that refers voters
38 to the Secretary of State's Internet Web site for information about
39 candidates for the offices of President and Vice President of the
40 United States.

1 (l) A written explanation of the appropriate election procedures
2 for party-nominated, voter-nominated, and nonpartisan offices as
3 required by Section 9083.5 of the Elections Code.

4 (m) *A written explanation of the top 10 contributor lists required*
5 *by Section 84223, including a description of the Internet Web sites*
6 *where those lists are available to the public.*

7 ~~SEC. 5.~~

8 SEC. 7. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 ~~SEC. 6.~~

18 SEC. 8. The Legislature finds and declares that this bill furthers
19 the purposes of the Political Reform Act of 1974 within the
20 meaning of subdivision (a) of Section 81012 of the Government
21 Code.