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[Publications](#)
[Other Resources](#)
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**AB-2155 Political Reform Act of 1974: campaign disclosures.** (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2155**

**Introduced by Assembly Member Mullin**

**February 12, 2018**

An act to amend Sections 84501, 84502, 84504.1, 84504.2, [84504.5](#), and 84504.3 of, and to add Section 84501.1 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2155, as amended, Mullin. Political Reform Act of 1974: campaign disclosures.

(1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and activities. Existing law under the act requires advertisements to include prescribed disclosure statements, and defines an advertisement for these purposes. Existing law excludes a number of communications from the definition of advertisement, ~~such as a communication from an organization, other than a political party, to its members.~~ *including electronic media communications for which the inclusion of specified disclosures regarding the funding of the communication is impractical or incompatible with the technology used. Existing law also defines "top contributors" for these purposes to mean the persons from whom a committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more, and provides that if two or more contributors of identical amounts qualify as top contributors, the most recent contributor shall be listed in disclosures of top contributors for advertisements paid for by committees.* Existing law specifies the formatting of ~~these~~ disclosures for advertisements that are disseminated as a video, print advertisements, and electronic media advertisements.

This bill would exclude additional types of communications from the definition of advertisement, including certain electronic media communications requested by the recipient, communications solicited by the recipient, or communications for which inclusion of disclosures would be impracticable or severely interfere with the

committee's ability to convey the intended message, as determined by regulations of the Fair Political Practices Commission. *The bill would delete the exemption from the definition of advertisement for electronic media communications for which the inclusion of disclosures would be impractical or incompatible with the technology used. The bill would require that a tie in the determination of top contributors be resolved by determining the contributor who made the most recent contribution. For committee advertisements that support or oppose a candidate, the bill would exclude certain nonprofit entities and persons who have prohibited the use of their contributions to support or oppose candidates from the determination of top contributors.* The bill would make specified changes to the formatting requirements for disclosures included in advertisements that are disseminated as a video, print advertisements, and electronic media advertisements. The bill would exclude email messages from the disclosure and disclosure formatting requirements applicable to electronic media, except for requirements relating to the size, placement, and color of specified disclosures.

(2) Existing law defines an "expenditure" for purposes of the act to include any monetary or non-monetary payment made by specified persons that is used for communications that expressly advocate the nomination, election, or defeat of a candidate or candidates, or the qualification, passage, or defeat of a clearly identified ballot measure. Existing law prohibits a candidate, candidate controlled committee, established for an elective office for the controlling candidate, or political party committee from sending a mass mailing or a mass electronic mailing unless it discloses specified information, and defines "mass electronic mailing" to mean sending more than 200 substantially similar pieces of electronic mail within a calendar month. Existing law prohibits a candidate, candidate controlled committee, or slate mailer organization from expending campaign funds to pay for certain telephone calls that are similar in nature and aggregate 500 or more in number unless specified disclosures are made to the recipient of the call. Existing law prohibits a person from making a contribution to a committee or candidate that is earmarked for a contribution to any other particular committee, ballot measure or candidate unless the contribution is fully disclosed, as specified.

This bill would prohibit the Commission from interpreting or construing these provisions, and the provisions described above relating to advertisement disclosures, as allowing the Commission to establish any threshold in quantity or amount that are not specified in those provisions.

(3) Existing law under the act requires certain advertisements paid for by committees to disclose that it is paid for by the committee, by including in the advertisement the words "Paid for by," followed the name of the committee, as specified.

This bill would require those advertisements to instead use the words "Ad paid for by," but would continue to allow an advertisement that is a printed letter, Internet Web site, or email message to use the words "Paid for by."

Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.

*This bill would incorporate additional changes to Section 84504.2 of the Government Code proposed by SB 1239 to be operative only if this bill and SB 1239 are enacted and this bill is enacted last.*

*This bill would incorporate additional changes to Section 84504.3 of the Government Code proposed by AB 2188 to be operative only if this bill and AB 2188 are enacted and this bill is enacted last.*

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 2/3 vote of each house of the Legislature and compliance with specified procedural requirements.

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 84501 of the Government Code is amended to read:

**84501.** For purposes of this article, the following definitions apply:

(a) (1) "Advertisement" means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures.

(2) "Advertisement" does not include any of the following:

(A) A communication from an organization, other than a political party, to its members.

(B) An electronic media communication addressed to recipients, such as email messages or text messages, from an organization to persons who have opted in or asked to receive messages from the organization.

(C) Any communication that was solicited by the recipient, including, but not limited to, acknowledgments for contributions or information that the recipient communicated to the organization.

(D) A campaign button smaller than 10 inches in diameter; a bumper sticker smaller than 60 square inches; or a small tangible promotional item, such as a pen, pin, or key chain, upon which the disclosure required cannot be conveniently printed or displayed.

(E) Wearing apparel.

(F) Sky writing.

~~(G) An electronic media communication for which inclusion of the disclosures required by Section 84502, 84503, or 84506.5, is impracticable or would severely interfere with the committee's ability to convey the intended message because of the nature of the technology used to make the communication.~~

~~(H)~~

~~(G)~~ Any other type of communication, as determined by regulations of the Commission, for which inclusion of the disclosures required by ~~Section 84502, 84503, or 84506.5~~ *Sections 84502 to 84509, inclusive*, is impracticable or would severely interfere with the committee's ability to convey the intended message due to the nature of the technology used to make the communication.

(b) "Cumulative contributions" means the cumulative amount of contributions received by a committee beginning 12 months before the date of the expenditure and ending seven days before the time the advertisement is sent to the printer or broadcaster.

(c) (1) "Top contributors" means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more.

~~(2) If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount shall be listed as the top contributor in any disclosure required by Section 84503. A tie between two or more contributors qualifying as top contributors shall be resolved by determining the contributor who made the most recent contribution to the committee, in which case the most recent contributor shall be listed before any other contributor of the same amount.~~

(3) If a committee primarily formed to support or oppose a state candidate or ballot measure contributes funds to another committee primarily formed to support or oppose the same state candidate or ballot measure and the funds used for the contribution were earmarked to support or oppose that candidate or ballot measure, the committee receiving the earmarked contribution shall disclose the contributors who earmarked their funds as the top contributor or contributors on the advertisement if the definition of top contributor provided for in paragraph (1) is otherwise met. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee primarily formed to support or oppose the specifically identified ballot measure or candidate, that committee shall disclose the true source of the contribution to the new committee receiving the earmarked funds. The new committee shall disclose the contributor on the new committee's advertisements if the definition of top contributor provided for in paragraph (1) is otherwise met.

(A) The primarily formed committee making the earmarked contribution shall provide the primarily formed committee receiving the earmarked contribution with the name and address of the contributor or contributors who earmarked their funds and the amount of the earmarked contribution from each contributor at the time the contribution is made. If the committee making the contribution received earmarked contributions that exceed the amount contributed or received contributions that were not earmarked, the committee making the contribution shall use a reasonable accounting method to determine which top contributors to identify pursuant

to this subparagraph, but in no case shall the same contribution be disclosed more than one time to avoid disclosure of additional contributors who earmarked their funds.

(B) The committee receiving the earmarked contribution may rely on the information provided pursuant to subparagraph (A) for purposes of complying with the disclosure required by Section 84503 and shall be considered in compliance with Section 84503 if the information provided pursuant to subparagraph (A) is disclosed as otherwise required.

(C) For purposes of this paragraph, funds are considered "earmarked" if any of the circumstances described in subdivision (b) of Section 85704 apply.

*(4) If an advertisement paid for by a committee supports or opposes a candidate, the determination of top contributors pursuant to paragraphs (1) and (2) shall not include any nonprofit organization exempt from federal income taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code or any person who has prohibited in writing the use of his or her contributions to support or oppose candidates if the committee does not use such contributions to support or oppose candidates.*

**SEC. 2.** Section 84501.1 is added to the Government Code, to read:

**84501.1.** The Commission shall not, by regulation, policy, opinion, or advice letter, construe or interpret any of Sections 82025, 84305, 84310, 84501 through 84511, inclusive, or [Section](#) 85704 as allowing the Commission to establish or maintain any thresholds in quantity or amount that are not specified in those sections. Unless otherwise specified in this title, those sections apply regardless of quantity or amount.

**SEC. 3.** Section 84502 of the Government Code is amended to read:

**84502.** (a) (1) Any advertisement paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.

(2) Any advertisement paid for by a committee pursuant to subdivision (a) of Section 82013 that is a political party committee or a candidate controlled committee established for an elective office of the controlling candidate shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 if the advertisement is any of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(C) A radio or television advertisement.

(b) Any advertisement paid for by a committee pursuant to subdivision (b) or (c) of Section 82013 shall include the words "Ad paid for by" followed by the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.

(c) Notwithstanding subdivisions (a) and (b), if an advertisement is a printed letter, Internet Web site, or email message, the text described in subdivisions (a) and (b) may include the words "Paid for by" instead of "Ad paid for by."

**SEC. 4.** Section 84504.1 of the Government Code is amended to read:

**84504.1.** (a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated as a video, including advertisements on television and videos disseminated over the Internet, shall include the disclosures required by Sections 84502 and 84503 at the beginning or end of the advertisement.

(b) The disclosure required by subdivision (a) shall be written and displayed for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.

(1) The written disclosure required by subdivision (a) shall appear on a solid black background on the entire bottom one-third of the television or video display screen, or bottom one-fourth of the screen if the committee

does not have or is otherwise not required to list top contributors, and shall be in a contrasting color in Arial equivalent type, and the type size for the smallest letters in the written disclosure shall be 4 percent of the height of the television or video display screen. The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. All disclosure text shall be centered horizontally in the disclosure area. If there are any top contributors, the written disclosures shall be underlined in a manner clearly visible to the average viewer, except for the names of the top contributors, if any.

(2) The name of the top contributor shall not have its type condensed or have the spacing between characters reduced to be narrower than a normal non-condensed Arial equivalent type, unless doing so is necessary to keep the name of the top contributor from exceeding the width of the screen.

(c) An advertisement that is an independent expenditure supporting or opposing a candidate shall include the appropriate statement from Section 84506.5 in the solid black background described in paragraph (1) of subdivision (b) below all other text required to appear in that area in a contrasting color and in Arial equivalent type no less than 2.5 percent of the height of the television or video display screen. If including this statement causes the disclosures to exceed one-third of the television or video display screen, then it may instead be printed immediately above the background with sufficient contrast that is easily readable by the average viewer.

**SEC. 5.** Section 84504.2 of the Government Code is amended to read:

**84504.2.** (a) A print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting color and centered horizontally in the disclosure area.

(2) The text shall be in an Arial equivalent type with a type size of at least 10-point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(3) The top of the disclosure area shall include the disclosure required by Sections 84502 and 84503. The text of the disclosure shall be underlined if there are any top contributors.

(4) The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed Arial equivalent type.

(5) A committee subject to Section 84506.5 shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.

(6) A committee subject to Section 84223 shall next include the text "Funding Details At [insert Commission Internet Web site]," which shall be underlined and printed on a line separate from any other text.

(b) Notwithstanding paragraphs (2) and (4) of subdivision (a), the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in Arial equivalent type with a total height of at least 5 percent of the height of the advertisement, and printed on a solid background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the single top contributor of fifty thousand dollars (\$50,000) or more.

**SEC. 5.5.** *Section 84504.2 of the Government Code is amended to read:*

**84504.2.** (a) A print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting ~~color.~~ *color and centered horizontally in the disclosure area.*

(2) The text shall be in an Arial equivalent type with a type size of at least 10-point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

*(3) The top of the disclosure area shall include the disclosure required by Sections 84502 and 84503. The text of the disclosure shall be underlined if there are any top contributors.*

~~(3)~~

*(4) The top contributors, if any, shall each be disclosed on a separate horizontal ~~line,~~ line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure ~~area.~~ area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed Arial equivalent type.*

~~(4)~~

*(5) A committee subject to Section 84506.5 shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.*

~~(6) Immediately below the text described in paragraph (3), committees~~ *A committee* subject to Section 84223 shall *next* include the text "Funding Details At [insert ~~Commission Internet Web site.~~"] ~~The text shall be in an Arial equivalent type with a type size of at least 10-point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.~~ *link to Secretary of State Internet Web site page with top 10 contributor lists],"* which shall be underlined and printed on a line separate from any other text.

(b) Notwithstanding paragraphs (2) and (4) of subdivision (a), the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in *an* Arial equivalent type with a total height of at least ~~five~~ *5* percent of the height of the advertisement, and printed on a solid background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the single top contributor of fifty thousand dollars (\$50,000) or more.

**SEC. 6.** Section 84504.3 of the Government Code is amended to read:

**84504.3.** (a) An electronic media advertisement, other than an email message or Internet Web site, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall comply with both of the following:

(1) Include the text "Who funded this ad?" in a contrasting color and a font size that is easily readable by the average viewer.

(2) Such text shall be a hyperlink to an Internet Web site containing the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than 8-point font.

(b) Notwithstanding subdivision (a), the text required by paragraph (1) of subdivision (a) is not required if including the language would be impracticable. In such circumstances the advertisement need only include a hyperlink to an Internet Web site containing the disclosures required by Sections 84502, 84503, and 84506.5.

(c) Notwithstanding subdivisions (a) and (b), an email message or Internet Web site paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email message and every publicly accessible page of the Internet Web site.

(d) An Internet Web site that is hyperlinked as provided for in paragraph (2) of subdivision (a) shall remain online and available to the public until 30 days after the date of the election in which the candidate or ballot measure supported or opposed by the advertisement was voted upon.

(e) An advertisement made via a form of electronic media that is audio only and therefore cannot include either of the disclaimers in subdivision (a) shall comply with the disclaimer requirements for radio advertisements in Section 84504.

(f) An advertisement made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, shall only be required to include the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than 8-point font on the committee's profile, landing page, or similar location and shall not be required to include the disclaimer required by subdivision (a) on each individual post, comment, or other similar communication.

(g) The disclaimer required by this section does not apply to advertisements made via social media for which the only expense or cost of the communication is compensated staff time unless the social media account where the content is posted was created only for the purpose of advertisements governed by this title.

**SEC. 6.5.** *Section 84504.3 of the Government Code is amended to read:*

**84504.3.** (a) An electronic media ~~advertisement, other than an Internet Web site,~~ *advertisement that is a graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to link to an Internet Web site,* paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall comply with both of the following:

(1) Include the text "Who funded this ~~ad?~~ *ad?," "Paid for by," or "Ad Paid for by"* in a contrasting color and a font size that is easily readable by the average ~~viewer.~~ *viewer for the duration of the advertisement.*

(2) ~~Such~~ *The* text shall be ~~a hyperlink~~ *included or displayed as a hyperlink, icon, button, or tab* to an Internet Web site containing the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than ~~8-point~~ *8-point* font.

(b) Notwithstanding subdivision (a), the text required by paragraph (1) of subdivision (a) is not required if including the language would ~~be impracticable.~~ *take up more than one-third of the graphic or image.* In ~~such circumstances those circumstances,~~ the advertisement need only include a hyperlink to an Internet Web site containing the disclosures required by Sections 84502, 84503, and 84506.5.

(c) Notwithstanding subdivisions (a) and (b), an ~~Internet Web site~~ *email message, or Internet Web site,* paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5 *printed clearly and legibly* in a contrasting color and in no less than ~~8-point font.~~ *8-point font at the top or bottom of the email message, or at the top or bottom of every publicly accessible page of the Internet Web site, as applicable.*

(d) An Internet Web site that is ~~hyperlinked~~ *linked* as provided for in paragraph (2) of subdivision (a) shall remain online and available to the public until 30 days after the date of the election in which the candidate or ballot measure supported or opposed by the advertisement was voted upon.

(e) An advertisement made via a form of electronic media that is audio only and therefore cannot include either of the ~~disclaimers~~ *disclosures* in subdivision (a) shall comply with the ~~disclaimer~~ *disclosure* requirements for radio advertisements in Section 84504.

*(f) An electronic media advertisement that is disseminated as a video shall comply with the disclosure requirements of Sections 84504.1, 84504.4, and 84504.5, depending on the type of committee that paid for it. If the video is longer than 30 seconds, the disclosures required by Sections 84504.1, 84504.4, and 84504.5 shall be made at the beginning of the advertisement.*

~~(f)~~

*(g) (1) An advertisement made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, shall only be required to include the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color ~~and in no less than 8-point font on that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee's profile,~~*

landing page, or similar location and shall not be required to include the ~~disclaimer disclosure~~ required by subdivision (a) on each individual post, comment, or other similar communication. *The disclosures specified in this subdivision shall be fully visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media.*

*(2) Notwithstanding paragraph (1), if making the disclosures specified in paragraph (1) fully visible on a commonly used electronic device would be impracticable, the cover or header photo of the profile, landing page, or similar location need only include a hyperlink, icon, button, or tab to an Internet Web site containing the disclosures specified in paragraph (1).*

~~(g)~~

*(h) The ~~disclaimer disclosures~~ required by this section ~~does do~~ not apply to advertisements made via social media for which the only expense or cost of the communication is compensated staff time unless the social media account where the content is posted was created only for the purpose of advertisements governed by this title.*

**SEC. 7. Section 84504.5 of the Government Code is amended to read:**

**84504.5.** An advertisement that is an independent expenditure and paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosures required by Sections 84502 and 84506.5. An advertisement that supports or opposes a ballot measure and is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosure required by Section 84502. A disclosure that is included in an advertisement pursuant to this section is subject to the following requirements:

(a) A radio or telephone advertisement shall include the required disclosures at the beginning or end of the advertisement and be read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement, and shall last no less than three seconds.

(b) A video advertisement, including television and videos disseminated over the Internet, shall include the required disclosures in writing at the beginning or end of the advertisement in a text that is of sufficient size to be readily legible to an average viewer and in a color that has a reasonable degree of contrast with the background of the advertisement for at least four seconds. The required disclosure must also be spoken during the advertisement if the written disclosure appears for less than five seconds of a broadcast of ~~thirty 30~~ seconds or less or for ~~less than ten seconds of a broadcast of sixty seconds or more.~~ *at least 10 seconds of a broadcast that lasts longer than 30 seconds.*

(c) (1) A print advertisement shall include the required disclosures in no less than ~~10-point~~ *10-point* font and in a color that has a reasonable degree of contrast with the background of the advertisement.

(2) Notwithstanding paragraph (1), the required disclosures on a print advertisement that is larger than those designed to be individually distributed, such as a yard sign or billboard, shall in total constitute no less than ~~five~~ *5* percent of the total height of the advertisement and shall appear in a color that has a reasonable degree of contrast with the background of the advertisement.

(d) An electronic media advertisement shall include the disclosures required by Section 84504.3.

**SEC. 8. Section 5.5 of this bill incorporates amendments to Section 84504.2 of the Government Code proposed by both this bill and Senate Bill 1239. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, but this bill becomes operative first, (2) each bill amends Section 84504.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1239, in which case Section 84504.2 of the Government Code, as amended by Section 5 of this bill, shall remain operative only until the operative date of Senate Bill 1239, at which time Section 5.5 of this bill shall become operative.**

**SEC. 9. Section 6.5 of this bill incorporates amendments to Section 84504.3 of the Government Code proposed by both this bill and Assembly Bill 2188. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, but this bill becomes operative first, (2) each bill amends Section 84504.3 of the Government Code, and (3) this bill is enacted after Assembly Bill 2188, in which case Section 84504.3 of the Government Code, as amended by Section 6 of this bill, shall remain operative only until the operative date of Assembly Bill 2188, at which time Section 6.5 of this bill shall become operative.**



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

~~SEC. 8.~~**SEC. 11.** The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.