

**ATTACHMENT 1: AB 2155 STAFF PROPOSED AMENDMENTS**

1 **AB 2155 - (A) Amends the Law**

2 **SECTION 1.**

3 Section 84501 of the Government Code is amended to read:

4 **84501.**

5 For purposes of this article, the following definitions apply:

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

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

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

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

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

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

20 (E) Wearing apparel.

21 (F) Sky writing.

22 (G) An electronic media communication for which inclusion of the disclosures required by  
23 Section 84502, 84503, or 84506.5, is impracticable or would severely interfere with the

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1 committee’s ability to convey the intended message because of the nature of the technology used  
2 to make the communication.

3 (H) Any other type of communication, as determined by regulations of the Commission, for  
4 which inclusion of the disclosures required by Section 84502, 84503, or 84506.5 is impracticable  
5 or would severely interfere with the committee’s ability to convey the intended message due to  
6 the nature of the technology used to make the communication. The Commission shall not, by  
7 regulations, change or insert any quantity thresholds set forth in Government Code Sections  
8 82025, 84305, 84310, 84501 through 84505, inclusive, 84506.5, 84509 through 84511, inclusive,  
9 and 85704 ~~this chapter~~.

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

13 (c) (1) “Top contributors” means the persons from whom the committee paying for an  
14 advertisement has received its three highest cumulative contributions of fifty thousand dollars  
15 (\$50,000) or more.

16 (2) If two or more contributors of identical amounts qualify as top contributors, the most recent  
17 contributor of that amount shall be listed as the top contributor in any disclosure required by  
18 Section 84503.

19 (3) If a committee primarily formed to support or oppose a state candidate or ballot measure  
20 contributes funds to another committee primarily formed to support or oppose the same state  
21 candidate or ballot measure and the funds used for the contribution were earmarked to support or  
22 oppose that candidate or ballot measure, the committee receiving the earmarked contribution  
23 shall disclose the contributors who earmarked their funds as the top contributor or contributors

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1 on the advertisement if the definition of top contributor provided for in paragraph (1) is  
2 otherwise met. If the committee receiving the earmarked contribution contributes any portion of  
3 the contribution to another committee primarily formed to support or oppose the specifically  
4 identified ballot measure or candidate, that committee shall disclose the true source of the  
5 contribution to the new committee receiving the earmarked funds. The new committee shall  
6 disclose the contributor on the new committee's advertisements if the definition of top  
7 contributor provided for in paragraph (1) is otherwise met.

8 (A) The primarily formed committee making the earmarked contribution shall provide the  
9 primarily formed committee receiving the earmarked contribution with the name and address of  
10 the contributor or contributors who earmarked their funds and the amount of the earmarked  
11 contribution from each contributor at the time the contribution is made. If the committee making  
12 the contribution received earmarked contributions that exceed the amount contributed or  
13 received contributions that were not earmarked, the committee making the contribution shall use  
14 a reasonable accounting method to determine which top contributors to identify pursuant to this  
15 subparagraph, but in no case shall the same contribution be disclosed more than one time to  
16 avoid disclosure of additional contributors who earmarked their funds.

17 (B) The committee receiving the earmarked contribution may rely on the information provided  
18 pursuant to subparagraph (A) for purposes of complying with the disclosure required by Section  
19 84503 and shall be considered in compliance with Section 84503 if the information provided  
20 pursuant to subparagraph (A) is disclosed as otherwise required.

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

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