

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Express advocacy and electioneering communications

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### Overview

This bill expands an existing definition of “express advocacy,” and establishes a system of regulating “electioneering communications” for purposes of campaign finance law.

#### Section

- 1** **Expressly advocating.** Expands a definition of “expressly advocating” to include certain types of advocacy that do not directly refer to a candidate, but are reasonably interpreted to advocate the election or defeat of a candidate. In campaign finance law, this phrase is used within the definition of “independent expenditure.”
- 2** **Permitted disbursements.** Expands the scope of permissible activities of an independent expenditure political committee or ballot question political committee or fund to allow for electioneering communications.
- 3** **Contents of report.** Adds references to electioneering communications in the list of items that must be included in a campaign report filed with the board.
- 4** **Electioneering communications.** Establishes a new disclosure category for “electioneering communication.” An extensive definition is provided in the bill. In general, an “electioneering communication” is a communication that clearly identifies a candidate, is made within 30 days of a primary or 60 days of a general election, is targeted to the relevant electorate, and is not made with the consent or cooperation of a candidate or a candidate’s committee. (Subd. 1, para. (a))

## Section

A number of exceptions to this definition are provided, including for communications by an association that are distributed only to the association's own members in a routine newsletter or similar format. (Subd. 1, para. (b))

Electioneering communications made by a political committee, party unit, or principal campaign committee must be disclosed. Any other association may register a political fund and disclose its electioneering communications on the fund's reports. An association that does not disclose under either of the methods above must disclose its electioneering communications on a schedule provided in the bill. (Subds. 3 and 4)

A person who makes a disbursement of more than \$1,500 in a calendar year for producing or distributing electioneering communications must file a disclosure statement with the board containing the specified information. (Subd. 5)

An electioneering communication must include a statement of attribution. The statement to be included depends on the type of communication and method of distribution. (Subd. 7)

- 5 **Voluntary inactive status; political funds.** Adds conforming references to electioneering communications, in the section of statute related to political funds on inactive status.
- 6 **Independent expenditures and electioneering communications.** Prohibits a principal campaign committee from making disbursements for electioneering communications.
- 7 **Contributions or use of general treasury money.** Adds a conforming reference to electioneering communications, in the section of statute related to reporting by associations that receive contributions and engage in contribution or expenditure activity using the association's general treasury money.
- 8 **Effective date.** Provides that the bill is effective July 1, 2015, and applies to communications disseminated on or after that date.