

AGOURA HILLS CAMPAIGN REFORM ORDINANCE – IN FULL

Chapter 10 CAMPAIGN REFORM* (Sections 21000-21012)

21000. - Short title.

This chapter of the Agoura Hills Municipal Code may be referred to as the "Campaign Reform Ordinance" of the City of Agoura Hills.

21001. - Purpose.

The purpose of this chapter is:

- (a) To require full disclosure of the identity of all contributors to campaigns in support of or in opposition to candidates for the city council and city ballot measures;
- (b) To eliminate the possibility of corruption or any appearance of corruption in local elections by limiting the amounts of money any person may contribute, or otherwise cause to be available, to candidates for the city council, and by prohibiting cash contributions as a means of avoiding disclosure;
- (c) Pursuant to California Government Code Section 85706, to impose contribution limitations, disclosure requirements, and prohibitions that are as or more stringent than those imposed by state law.

21002. - Definitions.

The definitions set forth in the Political Reform Act of 1974, as amended (Government Code Sections 82000 through 82055), shall govern the interpretation of this chapter, except that:

- (a) "City ballot measure" shall mean any initiative, referendum or city council-sponsored measure that is to be submitted solely to the voters of the City of Agoura Hills; and
- (b) "Committee" shall mean any person or combination of persons who directly or indirectly does any of the following:
 - (1) Receives contributions totaling two hundred fifty dollars (\$250.00) or more in a calendar year; or
 - (2) Makes independent expenditures totaling two hundred fifty dollars (\$250.00) or more in a calendar year; or
 - (3) Makes contributions totaling more than ten thousand dollars (\$10,000.00) in a calendar year to or at the behest of any candidate or candidates for city council, any controlled committee or committees of such candidate or candidates, and any committee which supports or opposes such candidate or candidates.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214 of the California Government Code.

The provisions of this subsection (b) shall apply only to committees which receive contributions or make independent expenditures to support or oppose a city ballot measure or a candidate for city council. The definition of committee contained in the Political Reform Act (California Government Code Section 82013) shall apply to all other committees that are engaged in activities not in support of or in opposition to a city ballot measure or a candidate for city council.

- (c) "Candidate" shall mean an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials for nomination or election to the city council, or who receives a contribution or makes an expenditure or

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to the city council, whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any member of the city council who is the subject of a recall effort. For the purpose of this chapter, a member of the city council becomes the subject of a recall effort, and therefore becomes a candidate, at such time as the notice of intention to circulate petitions is served on that member. Thereafter, any action taken by a person to advocate the recall of the candidate shall be deemed to be opposing the candidate, and any action taken by a person to oppose the recall of the candidate shall be deemed to be supporting the candidate. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Section 84214 of the California Government Code. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

21003. Campaign contribution limitations.

- (a) No person or committee shall make to any candidate, including the controlled committee of such candidate, and no such candidate or such candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed two hundred and fifty dollars (\$250.00) for any single election. In the event that any California statute applicable to general law cities imposes any contribution limit, the lower dollar amount limit of the two shall control.
- (b) No person shall make to any committee which supports or opposes any candidate or candidates for city council and no such committee shall accept from any such person a contribution or contributions totaling more than two hundred and fifty dollars (\$250.00) for any single election. In the event that any California statute applicable to general law cities imposes any contribution limit, the lower dollar amount limit of the two shall control.
- (c) No person shall make to any candidate for city council or such candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, and no such candidate or committee shall solicit or accept a cash contribution in any amount.
- (d) No person shall make to any candidate for city council or the candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, and no such candidate or committee shall solicit or accept any anonymous contribution in excess of five dollars (\$5.00).
- (e) No contribution which causes the total amount contributed to a candidate for city council or the candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, by the person making the contribution to exceed five dollars (\$5.00) for a single election for member of the city council shall be deposited into a campaign checking account unless the name, address, occupation, and employer of the contributor are on file with the committee receiving the contribution.
- (f) No person shall make to any candidate for city council or such candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

or candidates, and no such candidate or committee shall solicit or accept any contribution during the period between seven (7) calendar days before the date of the election and the closing of the polls on election day.

(g) No person shall contribute more than the local aggregate contribution limit to all candidates for the city council, their controlled committees, and committees which support or oppose such a candidate or candidates in connection with any election for member or members of the city council. For the purpose of this subsection (g), the local aggregate contribution limit shall be calculated by multiplying two hundred fifty dollars (\$250.00) by the number of members of the city council to be elected at that election, and adding two hundred fifty dollars (\$250.00) to that resulting amount. The limitation of this subsection (g) shall not apply to contributions to any officeholder account.

(h) No candidate and no committee controlled by that candidate shall make any contribution of committee funds to any other candidate, any committee that supports or opposes candidates, or any committee that supports or opposes one or more city ballot measures. This section shall not prohibit or limit a candidate from making a contribution from his or her own personal funds only to his or her own candidacy. A candidate's contributions of personal funds to any other candidate or committee shall be subject to the limits, disclosure and record-keeping requirements imposed by this chapter and other applicable law.

(i) Contributions shall be aggregated and, hence, treated as though made by the same person, when made by:

(1) Entities which share a majority of members on their boards of directors, unless such entities in fact act independently in their decisions to make contributions;

(2) Entities which share two or more officers, unless such entities in fact act independently in their decisions to make contributions;

(3) Entities which are in a parent-subsidiary relationship, or where one entity is a branch, division, affiliate, department or local unit of the other;

(4) An individual or group of individuals and any legal entity or entities in which the individual or group of individuals own greater than fifty (50) percent of the voting or other class of stock of the entity, or who receive or are entitled to receive greater than fifty (50) percent of the profits of the entity; or

(5) An individual and any other legal entity or entities for which the individual is in fact solely responsible for decisions regarding the making of contributions.

(6) Employees, agents or representatives of an individual or entity including, without limitation, a committee, together with that individual or entity, when the contribution is directed by, reimbursed by, or made at the request or behest of that individual or entity.

(j) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

(k) No committee shall make a contribution or independent expenditure to support or oppose a candidate if that committee has received a contribution from any person that exceeded, or caused the cumulative amount the committee received from that person to exceed, two hundred fifty dollars (\$250.00) in the twelve (12) calendar months immediately prior to the date the committee's contribution or independent expenditure is made. This section shall not prohibit a committee that otherwise receives contributions in excess of

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

two hundred fifty dollars (\$250.00) from making such contributions or independent expenditures if the funds are expended from a separate account funded entirely by contributions of two hundred fifty dollars (\$250.00) or less.

21004. Restrictions on when contributions may be received.

(a) No candidate, including the candidate's controlled committee, and no committee primarily formed to support or oppose any such candidate or candidates, shall accept any contributions more than eight (8) calendar months prior to any election in which the candidate is attempting, or has qualified, to be on the ballot or is a write-in candidate. In the case of a recall effort, the pre-election fund raising period set forth in this paragraph shall commence on the date a notice of intent to circulate a recall petition is served on the officer.

(1) Any person who solicits or accepts contributions, or who expends his or her personal funds, to support his or her candidacy for city council shall file a Candidate Intention Statement (Form 501) with the City Clerk within 24 hours of such contribution or expenditure, in addition to any other filing required by applicable law.

(2) All contributions received and expenditures made by any candidate or that candidate's controlled committee prior to June 30 of the election year shall be reported on the applicable semi-annual Recipient Committee Campaign Statement (Form 460) and timely filed with the City Clerk."

(b) **No candidate or the controlled committee of such candidate, and no committee primarily formed to support or oppose any candidate or candidates, shall accept any contributions after the earlier of: (i) ninety (90) days after the date of the candidate's withdrawal as a candidate, defeat or election to office; or (ii) the date on which outstanding bills or debts owed by the candidate or committee are paid in full.** Contributions received during such ninety (90) day period shall be used only to pay outstanding bills or debts owed by the candidate or committee for that election. The limitations of this paragraph shall not apply to funds raised by a candidate or the candidate's controlled committee to retire outstanding debts from any election for city elective office held prior to the effective date of this section, provided that such funds are collected pursuant to the contribution limits established in this chapter. Such funds raised to retire debts remaining from elections held prior to the effective date of this section shall not count against the single election contribution limits established in this chapter.

(c) If, at the end of the period specified in subsection (b) above, there remains any unexpended balance in the campaign bank account of any candidate or committee, such unexpended funds remaining in the account shall be immediately disposed of in the following manner:

(1) Subject to the limitations in section 21005, funds may be transferred from the candidate's campaign account to the candidate's officeholder account, if such an account is permitted to be established by this chapter.

(2) Any remaining unexpended funds shall be returned to contributors pro rata, turned over to the General Fund of the City of Agoura Hills, or donated to any bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization, where no substantial part of the donation will have a material financial effect on the former candidate, any member of his or her immediate family, or his or her campaign treasurer.

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

(d) Under no circumstances shall funds raised for a campaign for city elective office be redesignated, transferred, or used for any future election other than the single election for which the funds were contributed.

21005. Officeholder accounts.

(a) Each member of the city council may establish one segregated officeholder account for expenses directly related to assisting, serving, or communicating with constituents, or to carrying out the official duties of the elected officer, provided aggregate contributions to such an account do not exceed one thousand dollars (\$1,000.00) in any calendar year, and provided further that the balance of funds in such an account that are accrued from contributions does not exceed one thousand dollars (\$1,000.00) at anytime. Expenditures from an officeholder account shall not be made in connection with any campaign for elective office in any jurisdiction or any ballot measure.

(b) No person shall make, and no member of the city council or his or her officeholder account shall solicit or accept, a contribution or contributions to the member's officeholder account totalling more than two hundred fifty dollars (\$250.00) in any calendar year.

(c) Contributions to an officeholder account shall not be considered to be campaign contributions for the purpose of this chapter.

(d) Officeholder accounts are subject to the campaign disclosure, reporting, and record-keeping requirements of the political reform act and this chapter. Any funds remaining in an officeholder account when the officeholder leaves office shall be turned over to the General Fund of the City of Agoura Hills within ten (10) calendar days of the date the officeholder leaves office.

21006. - Campaign contribution disclosure.

(a) In addition to any other report required by law to be filed, each candidate for city council shall, at the time he or she files nomination papers for such office, file with the city clerk a statement, in letter form or on a form prescribed by the city clerk for such purpose, which contains the following information (copies of previous campaign statements may be appended to the statement for the purpose of supplying the required information):

(1) The name and address of the candidate's controlled committee;

(2) The treasurer of such controlled committee;

(3) The total amount of cash on hand in such committee's account as of the date of filing the statement; and

(4) The information specified for disclosure of contributions and expenditures in subsection (c) of this section.

(b) If the candidate filing nomination papers has not yet organized a controlled committee at the time of filing, he or she shall file the statement required by subsection (a), above, within seventy-two (72) hours of filing a statement of organization with the secretary of state's office.

(c) Any committee not controlled by a candidate for city council that makes a contribution or independent expenditure to support or oppose a candidate or a city ballot measure shall, within seventy-two (72) hours of making such contribution or independent expenditure, file in the office of the city clerk a letter containing the name

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

and address of the committee, the full street address of the committee, the FPPC/Secretary of State identification number of the committee, the treasurer of the committee, and the candidate(s) and/or city ballot measure(s) supported or opposed by the committee. Upon receipt of such a filing, the city clerk shall distribute copies of the letter to the affected candidates and/or committees. It shall be unlawful for any person or committee to knowingly file or publish any name or street address for a committee that is not the complete and accurate name and/or street address of the committee.

(d) Thereafter, each candidate, controlled committee, or committee which supports or opposes a candidate or candidates for the city council shall, for each person from whom the committee has received cumulative contributions in excess of five dollars (\$5.00) in connection with a single election for member of the city council, report on the committee's campaign statement the information specified for disclosure in California Government Code Section 84211(f) or any successor statute, in addition to any other information required by law to be disclosed. Such reports shall be filed pursuant to the time schedule established by the Political Reform Act and this chapter.

(e) Any candidate or committee which is required to file preelection statements pursuant to California Government Code Section 84200.8 in connection with an election for member of the city council shall, in addition to the statements required to be filed by that section, file a preelection statement not later than twenty-six (26) days before the election which covers the period beginning forty-four (44) days before the election and ending thirty-one (31) days before the election.

21007. - Late campaign contribution disclosure.

Any contribution, including a loan, which totals in the aggregate five dollars (\$5.00) or more in support of or opposition to a city ballot measure or candidate for city council, which is received after the closing date for the committee's or candidate's final pre-election statement, shall be reported in the manner required by section 21006 to the city clerk by mailgram, telegram, guaranteed overnight mail through the United States Postal Service, or personal delivery within:

(a) Forty-eight (48) hours of the time it is received by the candidate or committee if the contribution is received eight (8) or more days prior to the date of the election; A late campaign contribution need not be reported, nor shall it be deemed accepted, if it is not cashed, negotiated or deposited and is returned to the contributor within seven (7) days of its receipt. Late campaign contributions shall be reported on the form required by the city clerk.

21008. - Filing of campaign statements and reports.

In addition to committees that are already required to file campaign reports and statements with the city clerk pursuant to the Political Reform Act, any other committees within the definition of "committee" contained in section 21002, including but not limited to committees that receive contributions or make independent expenditures totaling the threshold amounts specified in section 21002 to support or oppose a city ballot measure or candidate for city council, shall file pre-election statements for late contribution reports with the city clerk in accordance with the filing schedule specified by the provisions of the Political Reform Act and this ordinance.

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

21010. - Printed campaign communications, mass electronic mailings, and electronic campaign advertisements.

(a) For the purposes of this section, a printed campaign communication shall include any printed or copied flier, advertisement, brochure, letter, mailer or other substantially similar communication which directly or indirectly attempts to influence the action of the voters for or against the election of any candidate or candidates or the qualification, passage or defeat of any city ballot measure. An invitation to a specified fundraising event shall not be required to be filed until twenty-four (24) hours following the event, and the private address of the event may be redacted.

(b) Any person, candidate or committee who mails or delivers to voters by any means, or causes to be mailed or delivered to voters by any means, one hundred (100) or more substantially similar printed campaign communications within any calendar month shall comply with the following requirements:

(1) The printed campaign communication shall comply with the requirements of California Government Code Section 84305 and any successor statute, notwithstanding the two hundred (200) piece threshold set forth in that statute. If the sender is in fact an individual, a candidate or a committee controlled by a candidate, the printed campaign communication shall also contain the name of such individual or candidate; and

(2) A true and correct copy of the entire printed campaign communication shall be filed with the city clerk not more than twenty-four (24) hours after the printed campaign communication is mailed or delivered.

(c) No person, candidate or committee shall mail or deliver to voters any printed campaign communication that expresses or implies the endorsement of a named candidate or candidates by another named candidate or candidates, unless the sender first secures the written consent of the candidates named. The original of such written consent shall be filed with the city clerk at the same time a copy of the printed campaign communication is filed pursuant to subsection (b).

(d) All candidates, candidate-controlled committees, and committees established to support or oppose a candidate for city elective office, or to support or oppose a city ballot measure, shall comply with the requirements of Government Code Sections **84501 through 84511***, inclusive, (**Refer to Pages 37-51 of this Candidate Handbook*), as the same may be amended from time to time.

(e) The advertising disclosure requirements of Government Code Sections 84501 through 84511, inclusive, as the same may be amended from time to time, **except that the threshold of 200 substantially similar pieces distributed in any calendar month shall be 100 for the purposes of this chapter.**

(e) The requirements of this section shall not apply to the original publication in a regularly published newspaper, magazine or other periodical of general circulation of a news story, editorial, commentary, or photograph; or to the publication of a communication printed by an organization in the regularly published newsletter or periodical of the organization which is circulated to the organization's members and/or employees.

AGOURA HILLS CAMPAIGN REFORM ORDINANCE, *continued* -

21011. Record-keeping and audits

(a) It shall be the duty of each candidate, treasurer, and principal officer of any committee to maintain such detailed accounts, records, bills, copies of checks, and receipts that are necessary to prepare the campaign statements required by this chapter and the Political Reform Act. Such records shall be maintained and retained by the filer pursuant to the provisions of the Political Reform Act and regulations promulgated by the Fair Political Practices Commission. Persons maintaining such records shall, upon not less than seven (7) days written notice, make such records available for review and/or audit by a designated representative of the City of Agoura Hills or the Los Angeles County District Attorney.

(b) For the specific purpose of enforcing the provisions of this chapter only, the city clerk or the city prosecutor, or their designated representatives, may investigate and audit the records and reports of any candidate, candidate's controlled committee, and any other committee that supports or opposes any candidate or candidates or any city ballot measure.

21012. - Remedies.

(a) In the case of any violation of this chapter by a committee, the treasurer and any principal officers or, in the case of a controlled committee, the treasurer and the candidate, may be liable for violations as provided herein. If two (2) or more persons are liable for any violation, they shall be jointly and severally liable.

(b) Any person or candidate who knowingly or willfully violates any provision of section 21002(a) through (g), inclusive, sections 21004 through 21008, inclusive. Section (a) and (b), or section 21011 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Allegations that such violations have occurred may be prosecuted by the city prosecutor or, in the discretion of the city prosecutor, may be referred to the Los Angeles County District Attorney for investigation and prosecution.

(c) Any person residing in the city may sue in Los Angeles County Superior Court to enjoin violations of, or to compel compliance with, the provisions of this chapter after providing at least five (5) business days' advance written notice to the City Clerk of the intent to file such suit. Any person who is found by a court of competent jurisdiction in such an action to have intentionally or negligently violated any provision of this chapter may be held liable for a civil penalty not to exceed three (3) times the amount in controversy. In determining the amount of a civil penalty, if any, the court shall take into consideration the seriousness of the violation, and the degree of culpability of the defendant. In lieu of, or in addition to, a civil penalty, the court may order compliance with the provisions of this chapter. Civil penalties, if any, shall be paid to the person or persons filing the action. The prevailing party in any such action shall be entitled to seek and be awarded its attorneys' fees and court costs. Any action for civil injunctive relief and/or civil penalty must be filed within one (1) year of the date of the alleged violation. No civil action may be brought if a criminal or administrative proceeding is pending for the same or related violations, unless such proceeding is dismissed by the prosecuting attorney.

DISCLOSURE IN ADVERTISEMENTS – IN FULL

CALIFORNIA GOVERNMENT CODE

ARTICLE 5. Disclosure in Advertisements [84501 - 84511]

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. This subparagraph does not apply to a customer who has opted in to receive communications from a provider of goods or services, unless the customer has provided express approval to receive political messages from that provider of goods or services.

(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, or responses to an electronic message sent by the recipient to the same mobile number or email address.

(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) Any other type of communication, as determined by regulations of the Commission, for which inclusion of the disclosures required by 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) 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

DISCLOSURE IN ADVERTISEMENTS, *continued* -

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, address, occupation, and employer, if any, or principal place of business, if self-employed, 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 that person's contributions to support or oppose candidates if the committee does not use such contributions to support or oppose candidates.

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.

84502.

(a) (1) Any advertisement not described in subdivision (b) of Section 84504.3 that is 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

DISCLOSURE IN ADVERTISEMENTS, *continued* -

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 not described in subdivision (b) of Section 84504.3 that is 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.

(D) A text message advertisement that is required to include a disclosure pursuant to Section 84504.7.

(b) Any advertisement not described in subdivision (b) of Section 84504.3 that is 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 website, or email message, the text described in subdivisions (a) and (b) may include the words “Paid for by” instead of “Ad paid for by.”

(d) Notwithstanding subdivisions (a) and (b), if an advertisement is a text message, the text described in subdivisions (a) and (b) may include the words “Paid for by” or “With,” instead of “Ad paid for by.”

84503.

(a) Any advertisement not described in subdivision (b) of Section 84504.3 that is 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 “committee major funding from” followed by the names of the top contributors to the committee paying for the advertisement. If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed pursuant to this section. If there are no contributors that qualify as top contributors, this disclosure is not required.

(b) The disclosure of a top contributor pursuant to this section need not include terms such as “incorporated,” “committee,” “political action committee,” or “corporation,” or abbreviations of these terms, unless the term is part of the contributor’s name in common usage or parlance.

(c) If this article requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 and is a sponsored committee pursuant to Section 82048.7 with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

DISCLOSURE IN ADVERTISEMENTS, *continued* -

(d) This section does not apply to a committee as defined by subdivision (b) or (c) of Section 82013.

84504.

(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 over the radio or by telephonic means shall include the disclosures required by Sections 84502, 84503, and 84506.5 at the beginning or end of the advertisement, 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) Notwithstanding the definition of “top contributors” in paragraph (1) of subdivision (c) of Section 84501, radio and prerecorded telephonic advertisements shall disclose only the top two contributors of fifty thousand dollars (\$50,000) or more unless the advertisement lasts 15 seconds or less or the disclosure statement would last more than eight seconds, in which case only the single top contributor of fifty thousand dollars (\$50,000) or more shall be disclosed.

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

DISCLOSURE IN ADVERTISEMENTS, *continued* -

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.

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.

DISCLOSURE IN ADVERTISEMENTS, *continued* -

84504.2.

(a) A print advertisement designed to be individually distributed, including, but not limited to, a mailer, flyer, or door hanger, that is 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.

(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) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure 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 link to Secretary of State internet website page with top 10 contributor lists],” which shall be underlined and printed on a line separate from any other text at the bottom of the disclosure area.

(7) 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.

(b) A print advertisement that is larger than those designed to be individually distributed, including, but not limited to, a yard sign or billboard, 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 pursuant to Section 84502, 84503, and 84506.5 in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter. Each line of the written disclosures shall be in a contrasting color in Arial equivalent type no less than 5 percent of the height of the advertisement, and shall not be condensed to be narrower than a normal non-condensed Arial equivalent type. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

DISCLOSURE IN ADVERTISEMENTS, *continued* -

84504.3.

(a) This section applies to an electronic media advertisement if either of the following is true:

(1) The advertisement is 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.

(2) The advertisement is paid for by a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, and is either of the following:

(A) Paid for by an independent expenditure.

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

(b) An electronic media advertisement that is a graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to link to an internet website paid for by a committee shall comply with both of the following:

(1) Include the text “Who funded this 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 for the duration of the advertisement.

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

(c) Notwithstanding subdivision (b), the text required by paragraph (1) of subdivision (b) is not required if including the language in an 8-point font would take up more than one-third of the graphic or image. In those circumstances, the advertisement need only include a hyperlink to an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5.

(d) Notwithstanding subdivisions (b) and (c), an email message or internet website paid for by a committee 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, or at the top or bottom of every publicly accessible page of the internet website, as applicable.

(e) An internet website that is linked as provided for in paragraph (2) of subdivision (b) 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.

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

(g) An electronic media advertisement that is disseminated as a video shall comply with the disclosure requirements of Sections 84504.1 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 and 84504.5 shall be made at the beginning of the advertisement.

(h) (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

DISCLOSURE IN ADVERTISEMENTS, *continued* -

color 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 disclosure required by subdivision (b) 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, including, but not limited to, a computer screen, laptop, tablet, or smart phone.

(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 website containing the disclosures specified in paragraph (1).

(i) The disclosures required by this section 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.

84504.4.

(a) A radio or television advertisement that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 subject to the following requirements:

(1) In a radio advertisement, the words shall be included at the beginning or end of the advertisement and read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement.

(2) In a television advertisement, the words shall appear in writing for at least four seconds with letters in a type size that is greater than or equal to 4 percent of the height of the screen.

(b) An advertisement that is made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 in accordance with subdivision (h) of Section 84504.3.

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

DISCLOSURE IN ADVERTISEMENTS, *continued* -

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 30 seconds or less or for less than 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 font and in a color that has a reasonable degree of contrast with the background of the advertisement.

(2) Notwithstanding paragraph (1), each line of 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 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.

84504.6.

(a) For purposes of this article, the following terms have the following meanings:

(1) "Online platform" means a public-facing internet website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements directly to advertisers. A public-facing internet website, web application, or digital application is not an online platform for purposes of this article to the extent that it displays advertisements that are sold directly to advertisers through another online platform.

(2) (A) "Online platform disclosed advertisement" means either of the following:

(i) A paid electronic media advertisement on an online platform made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform, unless all advertisements on the platform are video advertisements that can comply with Section 84504.1. Individual posts, comments, or other similar communications are not considered online platform disclosed advertisements if they are posted without payment to the online platform.

(ii) A paid electronic media advertisement on an online platform that is not any of the following:

DISCLOSURE IN ADVERTISEMENTS, *continued* -

(I) A graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to hyperlink to an internet website containing required disclosures, as described in subdivision (b) of Section 84504.3.

(II) Video, audio, or email.

(B) Electronic media advertisements that are not online platform disclosed advertisements as defined in subparagraph (A) shall follow disclosure requirements for electronic media advertisements under Section 84504.3.

(b) A committee that disseminates an online platform disclosed advertisement shall do all of the following:

(1) Upon requesting the dissemination, expressly notify the online platform through which the advertisement would be disseminated, using the online platform's chosen notification method, that the advertisement is an advertisement as defined in Section 84501.

(2) (A) Provide the online platform with the disclosure name of the committee.

(B) For purposes of this section, "disclosure name" means the text required by Section 84503, followed by a colon, followed by, surrounded in quotation marks, the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 or the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211. If no disclosure text is required by Section 84503, "disclosure name" means the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 or the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.

(C) If the disclosure name changes due to a change in the top contributors or the name of the committee, the committee shall provide the online platform with an updated disclosure name within five business days.

(3) Provide the online platform with the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers.

(4) Provide the online platform with the name and identification number of the committee that paid for the advertisement.

(c) An online platform that disseminates a committee's online platform disclosed advertisement shall do one of the following:

(1) Display "Paid for by" or "Ad Paid for by" followed by the disclosure name provided by the committee, easily readable to the average viewer, located adjacent to any text stating that the advertisement is an advertisement or is promoted or sponsored. The online platform may display only one hundred or more characters of the disclosure name if it is followed by a "..." that is clearly clickable and that links to a page as described in paragraph (3).

(2) The online platform may instead display a hyperlink, icon, button, or tab with the text "Who funded this ad?," "Paid for by," or "Ad Paid for by" that is clearly clickable in the same or similar font and in at least the same font size as the online platform's text, and easily readable to the average viewer, stating that the advertisement is an advertisement or is promoted or sponsored, that links to a page as described in paragraph (3).

(3) Hyperlinks, icons, buttons, or tabs used for the purposes described in paragraphs (1) and (2) shall be linked to the profile or landing page of the committee that paid for the

DISCLOSURE IN ADVERTISEMENTS, *continued* -

advertisement; to another page to which the average viewer would normally navigate to view additional information about a committee containing the disclosure name in a manner that is easily seen and readable by the average viewer; or to an internet website containing the disclosure required by subdivision (d) of Section 84504.3.

(d) An online platform that disseminates committees' online platform disclosed advertisements shall meet all of the following requirements:

(1) Maintain, and make available for online public inspection in a machine readable format, a record of any advertisement disseminated on the online platform by a committee that purchased five hundred dollars (\$500) or more in advertisements on the online platform during the preceding 12 months. Each record shall contain all of the following:

(A) A digital copy of the advertisement.

(B) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed.

(C) Information regarding the range charged or the total amount spent on the advertisement.

(D) The name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers.

(E) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number.

(2) The information required under this subdivision shall be made available as soon as practicable and shall be retained by the online platform for no less than four years.

(3) (A) Display a prominent button, icon, tab, or hyperlink with the text "View Ads" or similar text in one of the following locations: (i) near the top of a profile, landing page, or similar location of a committee that paid for an advertisement in a position that the average viewer will readily see it upon viewing that page; (ii) on a page that displays the committee's profile information or biographical information; (iii) or on a page on which the average viewer would normally navigate to view additional information about a committee.

(B) The button, icon, tab, or hyperlink shall link to a page clearly showing all of the advertisement records required by paragraph (1).

(e) An online platform that creates a mechanism for a committee requesting dissemination of an online platform disclosed advertisement to expressly notify the online platform whether the advertisement is an advertisement as defined in Section 84501 and to provide all information necessary for the online platform to comply with the requirements of this section may rely in good faith on the information provided by the committee to the online platform to satisfy the online platform's obligations under subdivisions (c) and (d).

84504.7.

(a) A candidate or committee shall not authorize or pay for an advertisement that is a text message, unless the disclosures described in subdivision (b) are made, if the text message meets one of the following conditions:

(1) The text message supports or opposes a candidate.

(2) The text message supports or opposes a ballot measure.

(b) (1) A committee, other than a candidate controlled committee established for an

DISCLOSURE IN ADVERTISEMENTS, *continued* -

elective office of the controlling candidate, subject to subdivision (a) shall include the text “Paid for by” or “With” followed by either the name of the committee, or a hyperlink or Uniform Resource Locator (URL) for an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5. The text of the disclosures on the internet website shall be in a color that reasonably contrasts with the background on which it appears and in no less than eight-point font. If the word “With” is used, the individual sending the text shall identify themselves in the following manner: “(Name of individual) with (name of committee or hyperlink or URL).” A disclosure using the word “With” may appear anywhere in the text message, including in conversational content, and need not appear as a separate statement apart from the other content of the message.

(2) A candidate controlled committee established for an elective office of the controlling candidate subject to subdivision (a) shall include the text “Paid for by” or “With” followed by the name of the candidate, followed by the word “For,” and followed by the name of the elective office sought. If the word “With” is used, the individual sending the text shall identify themselves in the following manner: “(Name of individual) with (name of candidate) for (name of elective office).” A disclosure using the word “With” may appear anywhere in the text message, including in conversational content, and need not appear as a separate statement apart from the other content of the message.

(3) A committee subject to subdivision (a) that has top contributors, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall comply with the following:

(A) Immediately following the name of the committee or the hyperlink or URL required by paragraph (1), the text message shall also include the text “Top funders:” followed by the names of the top two contributors of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement, separated by “&” or “and.”

(B) The names of the top two contributors may be spelled using acronyms, abbreviations, or other shorthand in common usage or parlance. If a top contributor is an individual, their first and last name shall both be used.

(C) Notwithstanding subparagraph (A), if the disclosures required by paragraph (1) and this paragraph would exceed 35 characters, the text message shall disclose only the single top contributor of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement.

(D) Notwithstanding subparagraph (A), if the text message includes the name of the committee paying for the advertisement in accordance with paragraph (1), and the committee’s name includes the name of one of the top two contributors of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement, the text message is not required to include the name of that contributor after the text “Top funders:”.

(4) The text required to be included in a text message sent pursuant to this subdivision shall be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.

(c) (1) This section does not apply to a text message that is individually sent without the assistance of mass distribution technology, including a text messaging platform.

(2) If a committee, other than a political party committee or a candidate controlled committee established for an elected office of the controlling candidate, subject to subdivision (a) that has top contributors uses individuals who are unpaid volunteers to

DISCLOSURE IN ADVERTISEMENTS, *continued* -

send text messages with the assistance of mass distribution technology, including a text message platform, the text messages sent by individuals who are unpaid volunteers are not required to disclose the top two contributors pursuant to paragraph (3) of subdivision (b). Text messages sent by unpaid volunteers shall include a disclosure stating that the text message is being sent by a volunteer. For purposes of this paragraph, receiving payments for food, transportation, or lodging in connection with campaign activity shall not disqualify a person from being classified as an unpaid volunteer.

(d) An internet website that is hyperlinked as provided for in this section 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 on.

(e) (1) If an exchange consists of a sequence of multiple text messages sent on the same day, a candidate or committee shall be deemed in compliance with this section if the candidate or committee sends the disclosures required by subdivision (b) with the first text message in the sequence that meets one of the conditions of subdivision (a).

(2) A committee shall be deemed in compliance with this section if the disclosures required by subdivision (b) are included in the text message in the form the committee intended it to be sent, regardless of the form the carrier relayed it to the recipient.

(3) If a committee includes a hyperlink or URL in the text message sent pursuant to subdivision (b), the committee shall be deemed to be in compliance with subdivision (b) even if the recipient's device is incapable of accessing the corresponding internet website.

84505.

(a) In addition to the requirements of Sections 84502, 84503, and 84506.5, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a top contributor.

(b) Written disclosures required by Sections 84503 and 84506.5 shall not appear in all capital letters, except that capital letters shall be permitted for the beginning of a sentence, the beginning of a proper name or location, or as otherwise required by conventions of the English language.

84506.5.

An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."

DISCLOSURE IN ADVERTISEMENTS, *continued* -

84509.

If the order of top contributors required to be disclosed pursuant to this article changes or a new contributor qualifies as a top contributor, the disclosure in the advertisement shall be updated as follows:

(a) A television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. A committee shall be deemed to have complied with this subdivision if the amended advertisement is delivered, containing a request that the advertisement immediately be replaced, to all affected broadcast stations or other locations where the advertisement is placed no later than the fifth business day.

(b) A print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.

84510.

(a) (1) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000), a person who violates Section 84503 or 84506.5 is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.

(2) Notwithstanding paragraph (1), a person who intentionally violates a provision of Sections 84504 to 84504.3, inclusive, or Section 84504.5 or 84504.6, for the purpose of avoiding disclosure is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any of the sections described in paragraph (1) or (2) of subdivision (a) or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the state. In an action brought by a local civil prosecutor, 50 percent shall be deposited in the account of the agency bringing the action and 50 percent shall be paid to the General Fund of the state.

84511.

(a) This section applies to a committee that does either of the following:

(1) Makes an expenditure of five thousand dollars (\$5,000) or more to an individual for the individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure.

(2) Makes an expenditure of any amount to an individual for the individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure and that states or suggests that the individual is a member of an

DISCLOSURE IN ADVERTISEMENTS, *continued* -

occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

(b) A committee described in subdivision (a) shall file, within 10 days of the expenditure, a report that includes all of the following:

(1) An identification of the measure that is the subject of the advertisement.

(2) The date of the expenditure.

(3) The amount of the expenditure.

(4) The name of the recipient of the expenditure.

(5) For a committee described in paragraph (2) of subdivision (a), the occupation of the recipient of the expenditure.

(c) An advertisement paid for by a committee described in paragraph (1) of subdivision (a) shall include a disclosure statement stating "(spokesperson's name) is being paid by this campaign or its donors" in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message. If the advertisement is a television or video advertisement, the statement shall be shown continuously, except when the disclosure statement required by Section 84504.1 is being shown.

(d) (1) An advertisement paid for by a committee described in paragraph (2) of subdivision (a) shall include a disclosure statement stating "Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations" in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message. If the advertisement is a television or video advertisement, the statement shall be shown continuously, except when the disclosure statement required by Section 84504.1 is being shown.

(2) A committee may omit the disclosure statement required by this subdivision if all of the following are satisfied with respect to each individual identified in the report filed pursuant to subdivision (b) for that advertisement:

(A) The occupation identified in the report is substantially similar to the occupation portrayed in the advertisement.

(B) The committee maintains credible documentation of the appropriate license, certification, or other training as evidence that the individual may engage in the occupation identified in the report and portrayed in the advertisement and makes that documentation immediately available to the Commission upon request.