

Assembly Bill No. 1416

CHAPTER 751

An act to amend Sections 303, 9050, 9051, 9053, and 13282 of, and to add Section 9170 to, the Elections Code, relating to elections.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1416, Santiago. Elections: ballot label.

Existing law defines the ballot label as the portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, existing law requires the Attorney General to prepare a condensed version of the ballot title and summary, including the fiscal impact summary prepared by the Legislative Analyst that is printed in the state voter information guide.

This bill would additionally require the ballot label for statewide measures, and, at the option of a county, the ballot label or similar description on the ballot of county, city, district, and school district measures, to include a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of ballot arguments printed in the voter information guide that support and oppose the measure, as specified. The bill would require a nonprofit organization, business, or individual to meet certain criteria before being listed on the ballot label or similar description of the measure on the ballot. The bill would require the signers of the ballot arguments to submit the lists of supporters and opponents to the Secretary of State or the respective elections official and would require the Secretary of State or respective elections official to provide those lists to county elections officials as part of the ballot label. The bill would make conforming changes and related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Because the bill would impose additional duties on local elections officials, and because it would expand the crime of perjury, it would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

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

SECTION 1. This act shall be known, and may be cited as, the Ballot DISCLOSE Act.

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

(a) In addition to a ballot measure's title, summary, and fiscal analysis, the identity of those who support and oppose a ballot measure provides voters with extremely important information that helps voters better evaluate and understand the value of the measure and to make more informed decisions on how to vote.

(b) Including the names of supporters and opponents in the arguments for and against a measure on the measure's ballot label serves as a useful condensed summary of those arguments in the state voter information guide in the same way that including the condensed title, summary, and fiscal analysis of the ballot measure serves as a useful condensed summary of the Legislative Analyst's full analysis in the state voter information guide.

SEC. 3. Section 303 of the Elections Code is amended to read:

303. "Ballot label" means that portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, the ballot label shall contain a condensed version of the ballot title and summary, including the fiscal impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code, that is no more than 75 words, followed by a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide as described in Section 9051.

SEC. 4. Section 9050 of the Elections Code is amended to read:

9050. (a) After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the Attorney General. The Attorney General shall provide and return to the Secretary of State a ballot title and summary and the condensed ballot title and summary prepared pursuant to Section 303 for each measure submitted to the voters of the whole state by a date sufficient to meet the state voter information guide public display deadlines.

(b) For each statewide measure, within one week after receiving the lists of supporters and opponents of a measure, the Secretary of State shall provide to county elections officials the ballot label, consisting of the condensed ballot title and summary prepared by the Attorney General followed by the list of supporters and opponents, pursuant to Section 303.

SEC. 5. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact statement.

(2) The ballot title and summary shall include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(b) The condensed ballot title and summary shall not contain more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(c) (1) The ballot label shall include the condensed ballot title and summary described in subdivision (b), followed by the following:

(A) After the text “Supporters:”, a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor of the ballot measure printed in the state voter information guide. The list of supporters shall not exceed 125 characters in length. Each supporter shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they support the ballot measure.

(B) After the text “Opponents:”, a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument against the ballot measure printed in the state voter information guide. The list of opponents shall not exceed 125 characters in length. Each opponent shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they oppose the ballot measure.

(C) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) unless it is one of the following:

(i) A nonprofit organization that was not originally created as a committee described in Section 82013 of the Government Code, that has been in existence for at least four years, and that, during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B), either has received contributions from more than 500 donors or has had at least one full-time employee.

(ii) A business that has been in existence for at least four years and that has had at least one full-time employee during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B).

(iii) A current or former elected official, who may be listed with the official’s title (e.g., “State Senator Mary Smith,” “Assembly Member Carlos Garcia,” or “former Eureka City Council Member Amy Lee”). These titles may be shortened (e.g. “Senator” or “Sen.” for “State Senator” or “Asm.” for “Assembly Member”).

(iv) An individual who is not a current or former elected official may be listed only with the individual’s first and last name and an honorific (e.g., “Dr.,” “M.D.,” “Ph.D.,” or “Esquire”), with no other title or designation, unless it is a title representing a nonprofit organization or business that meets the requirements of clause (i) or (ii) and that is eligible to be listed under subparagraph (A) if the individual supports the ballot measure or under subparagraph (B) if the individual opposes the ballot measure.

(D) Spaces, commas, semicolons, and any other characters count towards the 125-character limit in subparagraphs (A) and (B).

(E) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) if the supporter or opponent is a political party or is representing a political party.

(F) The name of a nonprofit organization or business included in the list of supporters and opponents as required by this subdivision may be shortened by the proponents or opponents who submit it using acronyms, abbreviations, or by leaving out words in the entity’s name, as long as doing so would not confuse voters with another well-known organization or business that did not take the same position on the ballot measure (e.g., “Hot Air Balloon Flyers of Montana Education Fund” may be shortened to “Hot Air Balloons Montana”).

(G) Supporters and opponents listed on the ballot label pursuant to subparagraph (A) or (B) shall be added as text after the condensed ballot title and summary and shall be separated by semicolons. Supporters and opponents need not be displayed on separate horizontal lines on the ballot. If no list of supporters is provided by the proponents or there are none that meet the requirements of this section, then “Supporters:” shall be followed by “None submitted.” If no list of opponents is provided by the opponents or there are none that meet the requirements of this section, then “Opponents:” shall be followed by “None submitted.”

(H) If the ballot emphasizes the text “Supporters:” or “Opponents:” by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text “Supporters:” or “Opponents:” may be displayed with only the initial letter capitalized. If that text is not emphasized, then each letter of that text shall be capitalized.

(I) If including the list of Supporters and Opponents in the ballot labels as required by this section would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with “Supporters:” may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.

(2) (A) The proponents of the measure shall provide the list of supporters described in subparagraph (A) of paragraph (1) to the Secretary of State when submitting the arguments supporting the ballot measure.

(i) For every supporter listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the supporters shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business supports the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every supporter listed that is an individual, the proponents shall include a signed statement by the individual that includes the individual’s name and address and attests that the individual supports the measure.

(B) The opponents of the measure shall provide the list of opponents described in subparagraph (B) of paragraph (1) to the Secretary of State when submitting the arguments opposing the ballot measure.

(i) For every opponent listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the opponents shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business opposes the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every opponent listed that is an individual, the opponents shall include a signed statement by the individual that includes the individual’s name and address and attests that the individual opposes the measure.

(C) In order to enable the Secretary of State to determine whether the nonprofit organizations and businesses listed in the supporters or opponents have been in existence for at least four years, the

proponents and opponents shall submit with the list of supporters and opponents described in subparagraphs (A) and (B) a certified copy of the articles of incorporation, articles of organization, or similar document for each nonprofit organization or business on the list that verifies that the nonprofit organization or business has been in existence for at least four years.

(D) The Secretary of State shall confirm that a submission listing supporters or opponents includes the documentation required by subparagraphs (A) through (C) and otherwise meets the requirements of this section. The Secretary of State shall ask the proponents or opponents to resubmit a list if the requirements are not met. The Secretary of State may establish deadlines by when proponents or opponents must resubmit a list and any other documents required by the Secretary of State to meet the deadline in subdivision (b) of Section 9050.

(d) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(e) The Attorney General shall invite and consider public comment in preparing each ballot title and summary.

SEC. 6. Section 9053 of the Elections Code is amended to read:

9053. Each measure shall be designated on the ballot by the ballot label certified by the Secretary of State.

SEC. 7. Section 9170 is added to the Elections Code, to read:

9170. (a) Subject to subdivision (d), the ballot label or similar description of a county, city, district, or school measure on a county ballot shall end with all of the following:

(1) After the text “Supporters:”, a listing of associations, nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor of the measure printed in the voter information guide. The list of supporters shall not exceed 125 characters in length. Each supporter shall be separated by a semicolon. An association, nonprofit organization, business, or individual shall not be listed unless they support the measure.

(2) After the text “Opponents:”, a listing of associations, nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument against the measure printed in the voter information guide. The list of opponents shall not exceed 125 characters in length. Each opponent shall be separated by a semicolon. An association, nonprofit organization, business, or individual shall not be listed unless they oppose the measure.

(3) A supporter or opponent shall not be listed pursuant to paragraph (1) or (2) unless it is one of the following:

(A) An association, nonprofit organization, or business that was not originally created as a committee described in Section 82013 of the Government Code and that has been in existence for at least four years.

(B) A current or former elected official, who may be listed with the official’s title (e.g., “State Senator Mary Smith,” “Assembly Member Carlos Garcia,” or “former Eureka City Council Member Amy Lee”). These titles may be shortened (e.g. “Senator” or “Sen.” for “State Senator” or “Asm.” for “Assembly Member”).

(C) An individual who is not a current or former elected official may be listed only with the individual’s first and last name and an honorific (e.g., “Dr.,” “M.D.,” “Ph.D.,” or “Esquire”), with no other title or designation, unless it is a title representing an association, nonprofit organization, or business that meets the requirements of subparagraph (A) or (B) and that is eligible to be listed under paragraph (1) if the individual supports the measure or under paragraph (2) if the individual opposes the measure.

- (4) Spaces, commas, semicolons, and other characters count towards the 125-character limit in paragraphs (1) and (2).
- (5) A supporter or opponent shall not be listed pursuant to paragraph (1) or (2) if the supporter or opponent is a political party or is representing a political party.
- (6) The name of an association, nonprofit organization, or business included in the list of supporters and opponents as required by this section may be shortened by the proponents or opponents who submit it using acronyms, abbreviations, or by leaving out words in their name, as long as doing so would not confuse voters with another well-known organization or business that did not take the same position on the ballot measure (e.g., “Hot Air Balloon Flyers of Montana Education Fund” may be shortened to “Hot Air Balloons Montana”).
- (7) Supporters and opponents listed pursuant to paragraph (1) or (2) shall be added as text after the condensed ballot title and summary, if any, and may be separated by semicolons. Supporters and opponents need not be displayed on separate horizontal lines on the ballot. If no list of supporters is provided by the proponents or there are none that meet the requirements of this section, then “Supporters:” shall be followed by “None submitted.” If no list of opponents is provided by the opponents or there are none that meet the requirements of this section, then “Opponents:” shall be followed by “None submitted.”
- (8) If the ballot emphasizes the text “Supporters:” or “Opponents:” by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text “Supporters:” or “Opponents:” may be displayed with only the initial letter capitalized. If that text is not emphasized, then each letter of that text shall be capitalized.
- (9) If including the list of Supporters and Opponents in the ballot labels as required by this section would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with “Supporters:” may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.
- (b) (1) The proponents of the measure shall provide the list of supporters described in paragraph (1) of subdivision (a) to the elections official when submitting arguments supporting the measure.
- (A) For every supporter listed that is an association, a nonprofit organization, a business, or an individual whose title includes an association, nonprofit organization, or business, the supporters shall include a signed statement by a representative of the association, nonprofit organization, or business, under penalty of perjury, that includes its name and an address and that attests (i) that the association, nonprofit organization, or business supports the measure, (ii) that the association, nonprofit organization, or business has been in existence for at least four years, and (iii) that it was not originally created as a committee described in Section 82013 of the Government Code.
- (B) For every supporter listed that is an individual, the proponents shall include a signed statement by the individual that includes the individual’s name and address and attests that the individual supports the measure.
- (2) The opponents of the measure shall provide the list of opponents described in paragraph (1) of subdivision (b) to the elections official when submitting the arguments opposing the measure.
- (A) For every opponent listed that is an association, a nonprofit organization, a business, or an individual whose title includes an association, nonprofit organization or business, the opponents shall include a signed statement by a representative of the association, nonprofit organization or business, under penalty of perjury, that includes its name and an address and that attests (i) that the association, nonprofit organization, or business opposes the measure, (ii) that the association, nonprofit organization, or business

has been in existence for at least four years, and (iii) that it was not originally created as a committee described in Section 82013 of the Government Code.

(B) For every opponent listed that is an individual, the opponents shall include a signed statement by the individual that includes the individual's name and address and attests that the opponent opposes the measure.

(3) The elections official that receives the ballot arguments and list of supporters or opponents shall confirm that a submission listing supporters or opponents includes the documentation required by paragraphs (1) and (2) and otherwise meets the requirements of this section. The elections official shall ask the proponents or opponents to resubmit a list if the requirements are not met. The elections official may establish deadlines by when proponents or opponents must resubmit a list.

(c) Within one week of receipt, an elections official that is not a county elections official that administers a city, district, or school election and that receives a list of supporters or opponents for inclusion on the ballot label or similar description shall, after confirming compliance with this section as provided in paragraph (3) of subdivision (b), forward that list to the county elections official.

(d) At least 30 days before the deadline for submitting arguments for or against county measures, a county board of supervisors may elect not to list supporters and opponents for county, city, district and school measures on the county ballot and future county ballots.

(1) A county shall not include a list of supporters or opponents for any county, city, district, or school measure if the county does not include a list of supporters or opponents for all measures for which the county receives a list that meets the requirements of this section. If the county elects not to list supporters and opponents for county, city, district, or school measures on the county ballot, the requirements of subdivisions (a) through (c) do not apply.

(2) A district measure or school measure on a county ballot shall not include a list of supporters or opponents if the same district or school measure appears on the ballot of another county that does not include a list of supporters or opponents for the measure, in which case the requirements of subdivisions (a) through (c), inclusive, do not apply for the measure.

SEC. 8. Section 13282 of the Elections Code is amended to read:

13282. Whenever the Attorney General prepares a condensed ballot title and summary, the Attorney General shall file a copy of the condensed ballot title and summary with the Secretary of State. The Secretary of State shall make a copy of the condensed ballot title and summary as required by subdivision (c) of Section 9051 available for public examination prior to the printing of the ballot label on any ballot. The public shall be permitted to examine the condensed ballot title and summary for at least 20 days, and the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in Section 9092. A voter may seek a writ of mandate requiring a condensed ballot title and summary, or portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

SEC. 9. The Legislature finds and declares that providing voters with information to better understand ballot measures is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 7 of this act adding Section 9170 of the Elections Code applies to all cities, including charter cities.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.