

AB 249, the California DISCLOSE Act

Stop political ads from misleading voters about who paid for them

AB 249 requires real disclosure on ballot measure and independent expenditure ads with language clarifications from 2016's AB 700, which passed the Assembly on a bipartisan vote of 60-15 but fell one vote short of passing the Senate. Authored by Assemblymembers Kevin Mullin and Marc Levine. Sponsored by the California Clean Money Campaign.

Why We Need the California DISCLOSE Act

- **“The California Broadcasters Association supports AB 249 because it improves transparency for political advertising in a reasonable fashion. It takes the needs of both voters and political advertisers into account by making television disclosures significantly clearer (taking about the same amount of time and space as current law), while dramatically shortening and improving disclosure in radio ads.”**
— **California Broadcasters Association's President/CEO Stan Statham**, representing the over 1,000 radio and television stations in the state.
- **“Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.”**
— **Justice Antonin Scalia**, writing in *Doe v. Reed, 2010* (about disclosure of names on ballot petitions)

What the California DISCLOSE Act Does

- **Requires the three largest funders of \$50,000 or more of ballot measure ads and ads about candidates by outside groups to be shown clearly and unambiguously** so viewers see who's actually paying for them.
- **On television and video ads** the disclosures must be shown on a solid black background on the bottom 1/3 of the screen for a full five seconds. Each funder must be listed in large clear type on a separate line, without trying to make them harder to read by putting everything in all capital letters. No more fine print.
- **Applies to television ads, radio ads, print ads, mass mailers, and robocalls.** Radio ads and robocalls must say the two largest funders. Applies whether ads are paid for by corporations, unions, or millionaires.
- **Uses new earmarking rules** to identify original donors so ads have to display the true funders instead of misleading names even if funders try to hide behind multiple layers of organizations.

Example of Proposed Disclosure Required by AB 249

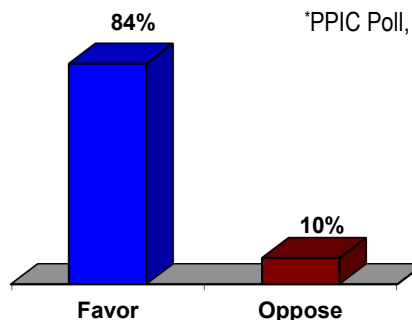
Actual screenshot of Yes on Prop 25 Disclosure

PAID FOR BY YES ON 25, CITIZENS FOR AN ON-TIME BUDGET SPONSORED BY TEACHERS, NURSES, FIREFIGHTERS AND OTHER PUBLIC EMPLOYEE GROUPS, CALIFORNIA FEDERATION OF TEACHERS COPE PROP/BALLOT COMMITTEE AND CALIFORNIA TEACHERS ASSOCIATION/ISSUES PAC

With AB 249

Paid for by Yes on 25, Citizens for an On-Time Budget.
Committee major funding from
California Federation of Teachers
California Teachers Association
American Federation of State, County, and Municipal Employees, AFL-CIO

84% of Californians favor clearly identifying major funders*



*PPIC Poll, October 2013

How AB 249 Would End Big Secret Political Spending

Did You Know? The Voters didn't...

- **George Soros spent \$1 million on Prop 19**, the first initiative to try to legalize marijuana in California. Voters saw the fine print: *"Paid for by the Drug Policy Action Committee to Tax and Regulate Marijuana..."* With AB 249, its ads would have clearly and prominently listed him as one of its top funders.

AB 249 is Constitutional and Reasonable

- **8 out of 9 justices in the Supreme Court's Citizens United decision** noted the problems that arise when groups run ads ***"while hiding behind dubious and misleading names."*** They said we need transparent disclosure for voters *"to make informed decisions and give proper weight to different speakers and messages."*
- **The proposed TV ad disclosures use the same time and space** as current law — but are much more effective. The new radio ad disclosures are actually significantly shorter than now — but get rid of the speed readers.
- **Protects small donors:** Contributors are only eligible to be disclosed on ads if they gave at least \$50,000 and only the three largest would be disclosed on TV and print ads (one largest on radio ads and robocalls). Contributors under \$4,200 do not have to have any extra earmarking tracking at all.

The California DISCLOSE Act has Overwhelming Support

Last year's version, AB 700, passed the Assembly on bipartisan vote of 60-15.

More than 150,000 Californians have signed petitions urging the legislature to pass the *California DISCLOSE Act*, with more than 90,000 specifically signing petitions for this year's version (AB 14 or AB 249).

84% of California voters said they favored legislation to increase public disclosure of funding sources in initiative campaigns in an October 2013 poll by the Public Policy Institute of California. Support was across the board, including 85% of Independents, 81% of Democrats, and 80% of Republicans.

"Reforms, including greater transparency about who is paying for election ads...would go a long way toward restoring the republican form of government that our founders embedded in the Constitution."

— **Richard W. Painter, President George W. Bush's chief White House ethics lawyer** and author of "Taxation Only with Representation: The Conservative Conscience and Campaign Finance Reform".

AB 249 stops special interests from drowning out small-business voices with deceptive ads while hiding behind misleading names.