



September 19, 2019

The Honorable Gavin Newsom
 Governor, State of California
 State Capitol Building
 Sacramento, CA 95814

Cc: The Honorable Sabrina Cervantes and Kevin Mullin

RE: AB 201, the Text Message DISCLOSE Act (Cervantes-Mullin) – Support

Dear Governor Newsom:

The organizations listed below are pleased to support AB 201, the *Text Message DISCLOSE Act*, to require disclosures on political text message advertisements.

The recent development of peer-to-peer text messaging platforms has led to an explosion of political text messages, with hundreds of millions of political texts sent nationwide in the 2018 election using platforms like GetThru (formally called Relay), Hustle, RumbleUp, and Opn Sesame.

AB 201 strikes an appropriate balance between requiring the disclosure voters need on text message ads and the space limitations of text messages and how they are used in campaigns. The new text messaging platforms are often used to facilitate conversations with voters by volunteers rather than being strictly one-way advertisements, so AB 201 requires differing disclosures depending on the type of committee that pays

for them and whether the texts are sent by unpaid volunteers or paid staff, as in existing parts of the Political Reform Act for phone banking.

AB 201 requires texts sent by candidate committees to “stand by their text” by listing the name of the candidate and the office they’re running for. Texts paid for by other committees must list either the name of the committee or a URL to a website that includes its name and other disclosure information. If texts by committees other than candidate committees or political party committees are sent by non-volunteers, they must additionally disclose their top contributor of \$50,000 or more, just like virtually every other type of political advertisement covered by existing *California DISCLOSE Act* rules.

Care is also taken in AB 201 to respect the fact that campaigns often use text messages to engage in conversations with voters by allowing the name of the committee or candidate to be preceded by the word “with” instead of “Paid for by”. Examples of text disclosures that would comply are:

“Please vote Yes on Prop 99. Paid for by www.Yeson99.com. Top funder: SEIU”
(If committee chooses to list a URL)

“Please vote Yes on Prop 99. Paid for by Yes on 99, Californians for Working Families. Top funders: SEIU.”
(If committee chooses to list its committee name instead of a URL).

“Hi Bill. This is Susan with www.Yeson99.com. Top funder: SEIU. Vote Yes on 99!”
(If committee chooses to precede its URL/name using “with” instead of “Paid for by”)

“Vote for Meg Whitman to lower your taxes! Paid for by Meg Whitman for Governor.”
(Ads paid for by candidates must list their name and office running from).

“Hi Mary. This is John with Jerry Brown for Governor. Are you planning to vote on Tuesday?”
(Ads paid for by candidates must list their name and office running from, but also have option to precede name using “with”).

Disclosures on texts sent by volunteers using text messaging platforms paid for by committees would be similar except they wouldn’t have to list the top funders (just as volunteer phone bankers aren’t required to say such disclosures in current code) because the volunteers are not being paid by those top funders and may not even know who they are.

Concerns have been raised about length limitations of text messages, but length restrictions are rare now. Although texts are still sent in SMS (short message service) segments of 160 characters, almost all phone carriers and smartphones now combine multiple segments and present the recipient with a single message, as do the text messaging platforms. This is why we all routinely send and receive text messages much longer than 160 characters.

As seen above, AB 201’s required disclosures are relatively short: typically under 40 characters for candidate texts and under 50 characters for committees with top funders. The same can’t be said for disclosures that will go into effect January 1, 2020 if AB 201 doesn’t pass. Existing code Sections 84502 and 84503 would require that disclosures include the full committee name and top three contributors, just like other types of political advertisements, and they will often run well over 200 characters.

If AB 201 isn’t signed and for some reason Section 84502 and 84503 disclosures aren’t enforced on text message ads, the result would be even worse: no disclosures on text messages at all. AB 201 strikes the right balance to provide voters the information they need while not burdening campaigns or volunteers.

For these reasons, the below organizations SUPPORT AB 201 and respectfully you sign it into law.

FROM: California Clean Money Campaign (Sponsor)
California Broadcasters Association
California Common Cause
Climate Hawks Vote
Consumer Federation of California
Courage Campaign
Demand Progress
Democracy for America
Endangered Habitats League
End Citizens United Action Fund
Free Speech For People
Franciscan Action Network
GMO Free California
Indivisible CA: StateStrong
LegitAction
Maplight
Money Out Voters In (MOVI)
New Progressive Alliance
People Demanding Action
People for the American Way
Progressive Democrats for America – California
Public Citizen
RootsAction.org
Voices for Progress
Voters Right to Know
Wolf-PAC

Christine Pelosi, Chair, Women’s Caucus of the California Democratic Party
Carlos Alcala, Chair, Chicano Latino Caucus of the California Democratic Party
Ruth Carter, Chair, Senior Caucus of the California Democratic Party
Hene Kelly, Chair, Disabilities Caucus of the California Democratic Party
RL Miller, Chair, Environmental Caucus of the California Democratic Party
Thomas Patrick O’Shaughnessy, Chair, Irish American Caucus of the California Democratic Party
Melissa Ramoso, Chair, Asian Pacific Islander Caucus of California Democratic Party
Amar Shergill, Chair, Progressive Caucus of the California Democratic Party
Moody Zahriya, Chair, Arab American Caucus of the California Democratic Party