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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Steven Glazer, Chair  
2023 - 2024 Regular

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**Bill No:** AB 37 **Hearing Date:** 7/5/23  
**Author:** Bonta  
**Version:** 6/27/23  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Karen French

**Subject:** Political Reform Act of 1974: campaign funds: security expenses

**DIGEST**

This bill authorizes campaign funds to be used for costs related to security expenses, as defined, to protect a candidate, elected officer, or the immediate family or staff of a candidate or elected officer, as specified.

**ANALYSIS**

Existing law:

- 1) Creates the FPPC and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act of 1974 (PRA).
- 2) Requires expenditures of campaign funds to be reasonably related to a political, legislative, or governmental purpose. Requires an expenditure of campaign funds that confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds to be directly related to a political, legislative, or governmental purpose.
- 3) Prohibits the use of campaign funds for the purchase of real property, appliances or equipment, payment or reimbursement for the lease or purchase of real property, lease or refurbishment of any appliance or equipment where property is owned or leased in whole or in part by the office holder or candidate, campaign treasurer, or any one with authority to approve expenditure of campaign funds or an immediate family member of one of those individuals.
- 4) Creates an exception to the prohibition in 3) that authorizes campaign funds to be used to pay or reimburse the state for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to the candidate's or elected officer's physical safety, provided that the threats arise from the candidate's or elected officer's activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency, as specified.
- 5) Requires a candidate or elected officer to report any expenditure of campaign funds made for the costs or reimbursement of installing or monitoring an electronic security

system to the FPPC. Requires the report to include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. Provides that no more than \$5,000 in campaign funds may be used, cumulatively, by a candidate or elected officer, and requires the candidate or elected officer to reimburse the campaign fund account for the costs of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time the property is sold.

- 6) Requires campaign funds under the control of a former candidate or elected officer, upon the 90th day after leaving an elective office, or the 90th day following the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, to be considered surplus campaign funds and to be disclosed, as specified. Requires surplus campaign funds to be used only for certain purposes, including the payment of outstanding campaign debts or elected officer's expenses.

This bill:

- 1) Deletes the existing provision of law allowing a candidate or elected officer to use campaign funds for costs related to installing and monitoring an electronic security system in the home and/or office of the candidate or elected official subject to specified conditions.
- 2) Defines "security expenses" to mean the reasonable costs of installing and monitoring a home or office electronic security system and the reasonable costs of providing personal security to a candidate, elected officer, or the immediate family and staff of a candidate or elected officer. Provides that "security expenses" do not include payments to a relative, within the third degree of consanguinity, of a candidate or elected officer, unless the relative owns or operates a professional personal security business and the cost of the service is no greater than the relative would otherwise charge.
- 3) Authorizes a committee to use campaign funds to pay or reimburse the state for security expenses to protect a candidate, an elected officer, or the immediate family or staff of a candidate or elected officer, if those security expenses are reasonably related to the candidate or elected officer's status as a candidate or elected officer. Requires any expenditure of campaign funds for these purposes be reported to the FPPC.
- 4) Provides, that if a committee uses campaign funds for purchase of, or reimbursement for the costs of installing a home or office electronic security system, either the system must be returned to the committee or the campaign fund account of the committee must be reimbursed for the system.
  - a) Return or reimbursement is due within one year of the elected officer leaving the office or when the candidate is no longer a candidate for the office or upon sale of the property where the system was installed, whichever occurs sooner.

- b) The amount of reimbursement is the fair market value of the system at the time the reimbursement is paid or due pursuant to a) above.
  - c) For a security system at the home or office of the elected officer or candidate, the elected officer or candidate pays the reimbursement.
  - d) For a security system at the home or office of immediate family or staff, either the candidate or elected officer or the immediate family or staff pays for the reimbursement.
  - e) Requires the candidate or elected officer to report the reimbursement.
  - f) Provides that the immediate family or staff shall not be personally liable for reimbursement for expenditures for security expenses.
- 5) Provides that security expenses under this bill are deemed an outstanding campaign debt or elected officer's expense if those security expenses are reasonably related to the candidate or elected officer's status as a candidate or elected officer. Thereby authorizing surplus campaign funds to be used for this purpose.

### **BACKGROUND**

Recent Research. A July 20, 2022 report from researchers at the University of California, Davis Violence Prevention Research Program (VPRP) reveals trends in attitudes toward violence, including political violence, in the United States.

The researchers conducted the nationwide online survey in English and Spanish from May 13 to June 22. The questions were designed to gauge current attitudes and concerns about violence in the U.S. and willingness to engage in specific political violence scenarios. A total of 8,620 people who are adult members of the Ipsos Knowledge Panel participated. The sample was designed to represent the general adult population of the United States.

"We expected the findings to be concerning, but these exceeded our worst expectations," said Garen Wintemute, lead author of the study. Wintemute is an emergency department physician and director of the VPRP and the California Firearm Violence Research Center at the University of California, Davis.

The survey questions focused on three areas: beliefs regarding democracy and the potential for violence in the United States, beliefs regarding American society and institutions, and support for and willingness to engage in violence, including political violence. Some key findings from those surveyed:

- 67.2% perceive there is "a serious threat to our democracy."
- 50.1% agree that "in the next several years, there will be civil war in the United States."
- 42.4% agreed that "having a strong leader for America is more important than having a democracy."

- 41.2% agreed that “in America, native-born white people are being replaced by immigrants.”
- 18.7% agreed strongly or very strongly that violence or force is needed to “protect American democracy” when “elected leaders will not.”
- 20.5% think that political violence is at least sometimes justifiable “in general.”

The researchers note that the findings, coupled with prior research, suggest a continuing high level of alienation and a mistrust of American democratic society and its institutions. Substantial minorities of the population endorse violence, including lethal violence, to obtain political objectives. The researchers believe evidence-based violence prevention efforts should be put in place quickly. They say more research on prevention efforts will be needed.

Data Collection and Analysis. On October 19, 2022, the Anti-Defamation League (ADL) and Princeton University’s Bridging Divides Initiative (BDI) issued a press release announcing the launch of a new data collection initiative that tracks threats and harassment of local elected officials. This first-of-its-kind project is an ongoing study to systematically evaluate threats and harassment of local officials across the United States using public event-based data.

“Threats and harassment against local officials present a significant challenge to American democracy,” said Oren Segal, Vice President of the ADL Center on Extremism. Additionally, it was stated, “This dataset shows the pervasiveness of threats and harassment around the country. We urge policymakers and communities to use these data to better understand this dangerous phenomenon and create better policy to more effectively count and counter future incidents.”

As opposed to surveys and stories, event-based data allow for observed assessment of incidents. This permits the followers to understand patterns, and thus enable more effective evidence-driven policy. The research team scanned through over 10,000 data points from public sources, narrowing the search to over 400 individual cases.

Findings include:

- Threats of death and gun violence are more than twice as common as any other form of threat.
- Intimidation was the overwhelming form of harassment.
- Threats or harassment of election officials or poll workers span 21 states and make up about 34% of all incidents tracked. Of these incidents, the states with the highest percentage of threats or harassment incidents include Pennsylvania (16%), Georgia (14%), Michigan (13%), Wisconsin (10%), and Arizona (6%) which make up 59% of all threats or harassment to election officials or poll workers.
- Women officials were targeted at a higher frequency than others, totaling 42.5% of incidents. Adjusting for the proportion of women in local offices, the data reveal that women are targeted 3.4 times more than men.

In the News. On November 4, 2022, TIME published “The United States of Political Violence,” which stated that there has been a surge of harassment, attacks, and violent

threats targeting civic and public officials and their families in the United States (US). Some episodes of violence have made national headlines, including the insurrection in the U.S. Capitol on January 6, 2021 to block certification of the presidential election and the 2022 October break-in at U.S. Speaker Nancy Pelosi's San Francisco home. While these episodes of violence are dramatic examples of the threats that public officials and their families and staff can face, the article notes that many episodes of harassment of public officials are constitutionally protected free speech, leaving it to officials with limited resources to comb through angry threats to decipher which ones are true threats to their safety, or the safety of their families and staff. The article also notes that analysts say that officials who are women or people of color are disproportionately targeted by these threats.

TIME reported that the spike in violent threats has strained state and local budgets, forcing public officials to take steps like hiring armed guards for their homes, installing bulletproof glass in local government offices, investing in trauma counseling for staff, and devoting time and resources to things like active-shooter trainings and monitoring emails and phone calls for menacing messages that might have to be reported to law enforcement.

### **COMMENTS**

- 1) According to the author: AB 37 is the first bill I introduced this year in response to the alarming increase in political violence directed towards elected officials and candidates for office. This past year, three of our colleagues were targets of intimidation tactics or threats, including a death threat. Just last month, we were evacuated from our chambers because of a credible threat involving a shooter at large.

As public servants, there is a lot we humbly and willingly sacrifice to serve, including spending time with family and our privacy. However, the one thing we should never be willing or expected to give up is our sense of safety, or the safety of our families, and those who work closely with us. Unfortunately, we have seen an increase in threats against candidates and public officials, especially women, and harassment of staff who are serving our constituents

Political violence is never the answer. When reactionary elements fan the flames of violence, they are putting candidates and elected officials squarely in their sights. Holding public office is about serving your community, but we never signed up for violence, and our families and children must be protected.

- 2) Argument in Support. In a letter supporting AB 37, the California Contract Cities Association stated, in part the following:

*AB 37 directly responds to the rise of political violence in both California and across the United States. Recently many elected officials and political candidates at the local, state, and federal levels have spoken out about receiving violent threats and experiencing sustained harassment. Some of these threats have also impacted elected officials and political candidates' staff as well as family members.*

*CCCA recognizes the great importance of AB 37, as the bill would offer increased security protections to our membership as well as other elected officials and candidates at a time when many are fearful and worried about their safety. We believe that an elected official's commitment to public service should not come at the expense of their personal safety. Therefore CCCA urges you to support AB 37, which increases protections for elected officials and candidates, and mirrors what security is offered at the federal level.*

- 3) Use of Campaign Funds. The PRA strictly regulates the use of campaign funds by candidates, elected officials, and others who control the expenditure of those funds. Existing law generally requires expenditures of campaign funds to be either reasonably related to a political, legislative, or governmental purpose, or directly related to a political, legislative, or governmental purpose. In situations where the expenditure confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds. A substantial personal benefit means an expenditure of campaign funds which results in a direct personal benefit with a value of more than \$200.

In 1993, in recognition of the threats public officials may face to their security as a result of their political, legislative, or governmental activities, SB 771 (Rosenthal), Chapter 1143, Statutes of 1993, was enacted. SB 771 included a specific exception to the otherwise generally-applicable rules governing the expenditure of campaign funds. Authorizing a candidate or elected official to use up to \$5,000 in campaign funds to pay, or reimburse the state, for the costs of installing and monitoring a home or office electronic security system if the following circumstances are met: (1) the candidate or elected officer has received threats to their physical safety, (2) the threats arise from their activities, duties, or status as a candidate or elected officer, and (3) the threats have been reported to and verified by law enforcement. Additional safeguards on the use of campaign funds consistent with the PRA included the following requirements that the security system be the property of the campaign committee, not the candidate; that the candidate must reimburse the campaign committee for the current fair market value of the security system upon sale of the candidate's property, upon closing of a surplus campaign account, or within 2 years of leaving office; that expenditure must be reported to the Fair Political Practices Commission and the report must include specified details regarding the threats including the date the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat.

- 4) How AB 37 Broadens Existing Requirements and Recommended Amendment. AB 37 repeals the \$5,000 allowing unlimited expenditure, authorizes the additional use of funds for family and staff, adds personal security as a permissible expense, repeals the verification of threat requirement, and adds a new requirement: "reasonably related to the candidate or elected officer's status as a candidate or elected officer." Staff notes that this is a lower standard than existing law which states, "Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose." Contributions are held in trust and the existing standards are safeguards of that trust. Staff recommends the bill be amended to conform to Section 89512 and 89512.5 of the Government Code relating to expenditures that confer substantial personal benefit by striking the

existing language and replacing it with “directly related to a political, legislative, or governmental purpose.”

**RELATED/PRIOR LEGISLATION**

AB 1043 (Irwin), Chapter 46, Statutes of 2019, permitted campaign funds to be used for costs related to the cybersecurity of electronic devices of a candidate, elected officer, or campaign worker.

AB 220 (Bonta), Chapter 384, Statutes of 2019, authorized the use of campaign funds to pay for childcare expenses resulting from a candidate engaging in campaign activities.

**PRIOR ACTION**

Assembly Floor:	70 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** California Contract Cities Association  
City of San Marcos  
City of Thousand Oaks  
League of California Cities  
Todd Spitzer, District Attorney of Orange County

**Oppose:** None received

**-- END --**