

AMENDED IN ASSEMBLY APRIL 19, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 1104

Introduced by Assembly Member Chau

February 17, 2017

An act to amend Section 18320 of, ~~and to add Section 18320.5 to,~~ the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1104, as amended, Chau. The California Political Cyberfraud Abatement Act.

Existing law makes it unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud, as defined. Existing law defines the term “political cyberfraud” to include a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or to cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Web site, and would cause a reasonable person, after reading the Web site, to believe the site actually represents the view of the proponent or opponent of a ballot measure. Existing law also defines the term “political Web site” to mean an Internet Web site that urges or appears to urge the support or opposition of a ballot measure.

This bill would modify the definition of the terms “political cyberfraud” and “political Web site” to include Internet Web sites that urge or appear to urge the support or opposition of candidates for public office. ~~The bill would also make it unlawful for a person to knowingly and willingly make, publish or circulate on a Web site, or cause to be~~

~~made, published, or circulated in any writing posted on a Web site, a false or deceptive statement designed to influence the vote on any issue submitted to voters at an election or on any candidate for election to public office.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18320 of the Elections Code is amended
2 to read:

3 18320. (a) This act shall be known and may be cited as the
4 “California Political Cyberfraud Abatement Act.”

5 (b) It is unlawful for a person, with intent to mislead, deceive,
6 or defraud, to commit an act of political cyberfraud.

7 (c) As used in this section:

8 (1) “Political cyberfraud” means a knowing and willful act
9 concerning a political Web site that is committed with the intent
10 to deny a person access to a political Web site, deny a person the
11 opportunity to register a domain name for a political Web site, or
12 cause a person reasonably to believe that a political Web site has
13 been posted by a person other than the person who posted the
14 Internet Web site, and would cause a reasonable person, after
15 reading the Internet Web site, to believe the site actually represents
16 the views of the proponent or opponent of a ballot measure or of
17 a candidate for public office. Political cyberfraud includes, but is
18 not limited to, any of the following acts:

19 (A) Intentionally diverting or redirecting access to a political
20 Web site to another person’s Internet Web site by the use of a
21 similar domain name, meta-tags, or other electronic measures.

22 (B) Intentionally preventing or denying exit from a political
23 Web site by the use of frames, hyperlinks, mousetrapping, popup
24 screens, or other electronic measures.

25 (C) Registering a domain name that is similar to another domain
26 name for a political Web site.

27 (D) Intentionally preventing the use of a domain name for a
28 political Web site by registering and holding the domain name or
29 by reselling it to another with the intent of preventing its use, or
30 both.

1 (2) “Domain name” means any alphanumeric designation that
2 is registered with or assigned by any domain name registrar,
3 domain name registry, or other domain registration authority as
4 part of an electronic address on the Internet.

5 (3) “Political Web site” means an Internet Web site that urges
6 or appears to urge the support or opposition of a ballot measure
7 or a candidate for public office.

8 ~~SEC. 2. Section 18320.5 is added to the Elections Code, to~~
9 ~~read:~~

10 ~~18320.5. It is unlawful for a person to knowingly and willingly~~
11 ~~make, publish or circulate on an Internet Web site, or cause to be~~
12 ~~made, published, or circulated in any writing posted on an Internet~~
13 ~~Web site, a false or deceptive statement designed to influence the~~
14 ~~vote on either of the following:~~

15 ~~(a) Any issue submitted to voters at an election.~~

16 ~~(b) Any candidate for election to public office.~~