

The Agitator

ACTION BULLETIN: California “Warning Label Bill” (Assembly Bill 2855) Requiring That Nonprofit Websites Link to Attorney General’s Website [Information Updated as of 23 May 2016]

Background

Legislation (AB 2855, pertinent part reprinted below) has been favorably reported from the bill’s subject matter committee in the California Assembly. It now awaits action in the Assembly Appropriations Committee.

Appropriations Committee chair Lorena Gonzalez (D-Chula Vista) has until May 27th to decide whether to allow AB 2855 to go to the floor for a full Assembly vote.

Persuading the Appropriations Committee to NOT report out the Bill is our best hope. **If the bill is held, it is dead. If it gets out, then we will only have until June 3rd to stop it on the floor.**

The [California Association of Nonprofits \(CalNon\)](#) and nearly 700 other nonprofits have fought 2855 tooth and nail. They need our help.

What this “Warning Label” Bill Would Do?

Each nonprofit raising funds in California, *whether or not exempt from registration and reporting* (this also means higher education

and religious orgs), would be required to place a “prominent link” to the Calif AG’s web site on the **home page** of any web site soliciting contributions. It would also have to include such a link on “any document produced ... for solicitation” (however wide-ranging that might become).

To any fundraiser, the harm is manifest. Consider these points:

- California alone has 5,500 solicitation law registrants from out of state – another 55,000 in state. There are at least more than 10,000 organizations both inside and outside of California that would have to comply.

Do the arithmetic. Out-of-pocket compliance for the web requirement alone would run, in the aggregate, to *millions of dollars* – **donor dollars**, it must be said. This to, nominally, protect *donors* from bad giving choices?!

- Should the legislation work as evidently intended, would-be donors, people seeking mission-related information, and curiosity seekers alike would all be *directed away from an organization’s web site*. The consequence could only be lost donors and lost supporters, even if the AG’s enhanced site were to, improbably, offer balanced, useful information.
- Donors and would-be donors already have easy-to-access means of getting information about individual nonprofits through such sites as Guidestar, Charity Navigator, and BBB Wise Giving Alliance (not to mention, the AG’s existing site).

In short, the bill would extract millions of dollars from nonprofits, merely to enhance the AG’s presence in an already crowded field.

- The very act of directing web site visitors to a law enforcement site like the Attorney General’s carries the ominous message that people need to be protected from something or warned about something (hence, CalNon’s “warning label” descriptor). It should go without saying

that this is not the sort of backdrop that is supportive of philanthropy.

Text of “The Warning Label” Bill.

Here’s the operative highlighted text of the bill:

Bill Text

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

SECTION 1.

Section 17510.86 is added to the Business and Professions Code, to read:

17510.86.

(a) An Internet Web site produced by, or on behalf of, a charity that operates or engages in the solicitation for charitable purposes of funds or other property in this state shall include a prominent link on the home page of the Internet Web site that immediately directs all consumers to the Attorney General’s Internet Web site, which contains information about consumer rights and protections and charity research resources.

(b) A document produced by, or on behalf of, a charity for the solicitation for charitable purposes of funds or other property in this state shall include the Internet Web site address of the Attorney General’s Internet Web site, which contains information about consumer rights and protections and charity research resources.

(c) No later than July 1, 2017, the Attorney General shall develop and publish on the Attorney General’s Internet Web site, which contains information about charities, informational materials containing consumer rights and protections and charity research resources to allow donors to become informed about a charity before making a decision to give.

How You Can Stop This Legislation

FOR INTERNATIONAL, NATIONAL ORGANIZATIONS, AGENCY OR CONSULTANTS:

Get this information into the hands ASAP of your California-based clients (including Calif-based chapters of national orgs) and urge them to take action. Ask them to pick and choose from the points above or draw from the Sample Message below.

They should then email or call the respective assembly member **based upon their location in the state**. Each organization or individual should slightly tailor their message depending upon their location (see below).

For organizations in and around San Diego: Write an email to or call the Chair of the Assembly Appropriations Committee, *Lorena Gonzalez* (representing San Diego's District 80). [\(916\) 319-2080](tel:9163192080). assemblymember.gonzalez@assembly.ca.gov

For organizations in and around Los Angeles: write to or call Assembly Speaker *Anthony Rendon* (representing LA's District 63). [\(916\) 319-2063](tel:9163192063). assemblymember.rendon@assembly.ca.gov

For organizations elsewhere in California: To find the assembly person for the office location (or one's residence), go [here](#).



For organizations based outside of California and that want to go directly to the legislature contact these two key legislators:

- Appropriations Chair Gonzales,). [\(916\) 319-2080](tel:9163192080). assemblymember.gonzalez@assembly.ca.gov and tell her "Please DO NOT REMOVE AB 2855 from the Committee Suspense File"

[This effectively kills the bill]

- Also email or call:

Assembly Speaker *Anthony Rendon* [\(916\) 319-2063](tel:(916)319-2063).
assemblymember.rendon@assembly.ca.gov and ask him to
"Please Urge Chair Gonzalez NOT TO REMOVE AB2855 from
the Suspense file."

The Message is Simple: Some Samples

Whether by phone or email, **the message is simple**: Identify yourself and your organization the assembly person (or staff person) that you oppose AB 2285, offering any reason you choose -- or no reason at all. The important thing is to say you oppose it.

- **For Example this email to The Speaker of the California Assembly:** [assemblymember.rendon@assembly.ca.gov]

Dear Speaker Rendon:

I'm writing on behalf of the XYZ Organization requesting that you urge Appropriations Chair Gonzales NOT TO REMOVE AB2855 from the Suspense file.

At a time when demands on the nonprofit sector are greater than ever AB 2885 will weaken, not strengthen public support for worthy and deserving nonprofits.

This "warning label" bill requires re-directing visitors to a nonprofit's website back to the law enforcement site of the Attorney General. It carries an ominous message. It will squander millions and millions of donor dollars.

It should go without saying that this is not the sort of backdrop that is supportive of philanthropy.

If enacted AB2885 will cost millions to administer and could cost millions and millions more in lost donations.

Please urge Chair Gonzales NOT TO REMOVE AB2855 from the Suspense file.

Thank you.

Name

Email address

- **For Example this email to Appropriations Chair Gloria Gonzales** [assemblymember.gonzalez@assembly.ca.gov]

Dear Chair Gonzales

I'm writing on behalf of the XYZ Organization urging that you DO NOT REMOVE AB 2855 from the Committee Suspense File.

At a time when demands on the nonprofit sector are greater than ever AB 2885 will weaken, not strengthen public support for worthy and deserving nonprofits.

This "warning label" bill requires re-directing visitors to a nonprofit's website back to the law enforcement site of the Attorney General. It carries an ominous message. It squanders millions and millions of donor dollars.

It should go without saying that this is not the sort of legislation that is supportive of philanthropy.

I urge you DO NOT REMOVE AB2855 from the Committee Suspense File.

Thank you.

Name

Email address

**PLEASE ACT TODAY. MESSAGES
MUST BE SENT BY NOON,
WEDNESDAY MAY 25th.**

The damage done to an individual organization by this bill *might* be containable. But, in the aggregate, if it becomes law millions of dollars in donations will be lost and squandered.

Please pitch in and prevent this outcome. To assure that communications are effective, they must be made **no later than noon PDT on Wednesday May 25**. The sooner the better.

If you have questions please contact:

- **Bob Tigner at ADRFCO -202-293-9640 or adrfc@msn.com.**

Or...

- **Roger Craver at The Agitator -703-477-7581 or roger@theagitator.net**

Thank you for taking action.