



California's nonprofits &
the communities we serve

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April 7, 2016

The Honorable Ed Chau
Chair, Assembly Privacy and Consumer Protection Committee
State Capitol
Sacramento, CA 95814

RE: Opposition to AB 2855 (Frazier) – as proposed to be amended on April 7, 2016

Dear Assemblyman Chau,

California Association of Nonprofits (CalNonprofits), a statewide policy alliance of more than 10,000 organizations representing and promoting California's growing nonprofit sector, works to bring the full power of nonprofits to strengthening communities by speaking with the voice of California nonprofits to the legislature, government agencies, philanthropy and the public. We have been pleased to work with you on outreach efforts to non-profit organizations in your district and look forward to our upcoming workshop.

Thank you for your engagement with regard to AB 2855 (Frazier). I am writing to express CalNonprofits' continued opposition to the bill, which as proposed to be amended would require every charity seeking funds to support their work to include on their web sites and *any document* a charity produces which includes fundraising language to include a link to the Attorney General's web site. While the web site disclosure requirement in subsection (a) is burdensome, expensive, duplicative, confusing and likely both unconstitutional and unenforceable, the "any document" requirement in subsection (b) is all those things on steroids.

The AG's office is already communicating this information to the public – their web site is the first listing in a Google search for "California charities." Burdening nonprofits in and beyond California with required speech on "any document" which seeks donor support to simply advertise what the public can easily find is unnecessarily punitive without serving any compelling public interest. Imagine all the "documents" that non-profit organizations create to solicit funds to support their mission-based work: signs on coin collection jars, private letters to individual donors, billboards and other large-scale outdoor advertisements, flyers posted in laundromats, neighborhood association newsletters, to name just a few. And AB 2855's provisions would apply to any charity – regardless of where they are based – that solicits donations from Californians. So, every inbound piece of mail from any charity in the world would have to include this unnecessary disclosure. The additional cost of including this provision on "any document" would be extraordinary.

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While we share the author's concern about transparency for donors, we feel existing requirements work well for donors seeking such information. While it is not clear what problems AB 2855 would solve, it does strike us that it would create problems for the vast majority of charities which are well-run and conscientious.

CalNonprofits' seminal report, *Causes Count: The Economic Power of California's Nonprofit Sector*, a copy of which is enclosed, notes that respondents to our Individual Perspectives Survey found that Californians hold nonprofits in high esteem compared to other sectors, and are confident that nonprofits are working on the public's behalf. It is in everyone's interest to protect this public trust.

We remain committed to consulting with any member of the legislature as you consider policies with implications for our members or the sector; please consider us a resource.

Sincerely,



Jan Masaoka
CEO, California Association of Nonprofits

cc: Assemblyman Jim Frazier
Members of the Assembly Privacy & Consumer Protection Committee
Jennifer Fearing, Sacramento Advocate, California Association of Nonprofits

enclosure