

CALIFORNIA POLITICAL LAW, INC.

December 7, 2011

Via Facsimile & Hand Delivery

Chair Ann Ravel
Commissioner Sean Eskovitz
Commissioner Elizabeth Garrett
Commissioner Lynn Montgomery
Commissioner Ron Rotunda
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Re: Proposed Regulation 18227.5

Dear Chair Ravel and Commissioners:

I write to respectfully suggest removal of the "Comment" contained at the end of Proposed Regulation 18227.5 that states:

A state general purpose committee that is making independent expenditures on candidates or measures in a local jurisdiction may be subject to local independent expenditure disclosure rules.

This Comment could mislead filers and is inconsistent with California Government Code Section 81009.5(b), printed below, which limits the authority of local jurisdictions to impose filing requirements that are additional to or different than those required by state law.

(b) Notwithstanding Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies,

and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

Moreover, the Comment is inconsistent with In re Olson (2001) 15 FPPC Ops. 13 which found that Section 81009.5 pre-empted filing requirements imposed on state committees by the City of Los Angeles.

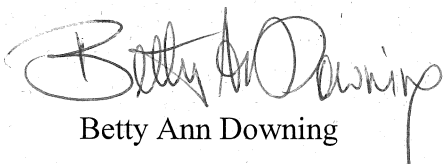
My letter submitted in June 2010 as the Commission considered Regulation 18227.5 outlined the numerous additional filing requirements already required by state law when a state committee makes contributions or independent expenditures in a local jurisdiction. The filing requirements that pertain to independent expenditures that were outlined in that letter are reprinted below.

Independent Expenditures To Support/Oppose Candidates and Ballot Measures

- File a Supplemental Independent Expenditure Report (FPPC Form 465) if independent expenditures reach a \$1,000 in a calendar year in a jurisdiction in which the committee does not regularly file its campaign statements. File FPPC Form 465 on the same semi-annual and pre-election report schedule as the candidate/ballot measure that is supported/opposed *with that candidate/ballot measure's jurisdiction*.
- File a Late Independent Expenditure Report (FPPC Form 496) when making independent expenditures to support or oppose a candidate or ballot measure when those independent expenditures cumulatively reach \$1,000 during the 16 days prior to the election. The deadline for filing an Late Independent Expenditure Report is 24 hours and it is *filed with the candidate/ballot measure's jurisdiction*.

I again respectfully suggest that these requirements are sufficient for the voters of a local jurisdiction to be informed about independent expenditure activity engaged in by committees from outside of that jurisdiction. Thank you for considering my comments.

Respectfully Submitted,



Betty Ann Downing