



THE CITY OF SAN DIEGO

December 1, 2011

Via Email and U.S. Mail

Chair Ann Ravel and Commissioners
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Re: Adoption of Amendments to Regulations 18227.5 and 18247.5

Dear Chair Ravel and Commissioners:

We are writing on behalf of the San Diego Ethics Commission to generally support the FPCC's efforts to improve the regulations concerning committee status. As indicated in the staff memorandum, we believe the specific criteria in the Regulations are important to ensure that political committees are filing disclosure statements in the jurisdiction where their efforts to influence elections are concentrated.

We agree that the additional backstops proposed in Regulation 18247.5(g)(1) are necessary as committees should not have to change jurisdictions as a result of nominal contributions or expenditures. We are particularly supportive of the lower financial threshold (\$10,000) for committees supporting local candidates or measures as our research indicates that a higher threshold applied to the City of San Diego would not capture the majority of primarily formed committees created to influence our elections. We ask the Commissioners to keep in mind that these financial activity thresholds are only applicable when a committee has already met the 70 percent activity standard.

Although we generally support the proposed amendments, we have several suggested changes that we believe would eliminate ambiguity and create more consistency between the two Regulations:

- (1) With respect to the threshold for review at 18227.5(d)(1), we support Option 2 as it is consistent with the review period at 18247.5(e)(1). Different review periods could easily create confusion for the regulated community.
- (2) We suggest deleting the phrase "In light of the facts, circumstances and intended activities of the committee" as well as the phrase "as necessary" from 18227.5(d)(1). We believe these phrases are subject to varying interpretations and would lead to confusion



Ethics Commission

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as well as difficulty in enforcement. Moreover, in light of the other criteria delineated in the regulation, we do not believe these phrases are necessary.

- (3) Regulation 18227.5(e)(1) addresses the need to file an Amended Statement of Organization when a committee's status changes from one jurisdiction to another, or between general purpose and primarily formed. Proposed Regulation 18247.5 does not contain similar language. We recommend separating the relevant language such that only jurisdictional status is addressed in 18227.5(e)(1), and similar language concerning Amended Statements of Organization for general purpose/primarily formed committees is inserted in Regulation 18247.5 between proposed subdivisions (g)(1) and (g)(2).

The staff memorandum indicates that the goal of the proposed amendments is to make committee determinations easier while retaining a set of bright line rules. We believe that the proposed amendments, coupled with the suggested modifications identified above, will achieve this goal and facilitate advice, compliance, and enforcement.

Sincerely,


Stacey Fulhorst
Executive Director


Stephen Ross
Education Program Manager