

Sasha Linker

From: Lindsey Nakano
Sent: Tuesday, July 19, 2022 1:17 PM
To: Sasha Linker
Subject: FW: SB 1352

From: Emily Andrews <EAndrews@olsonremcho.com>
Sent: Tuesday, July 19, 2022 10:44 AM
To: Lindsey Nakano <LNakano@fppc.ca.gov>
Subject: SB 1352

EXTERNAL EMAIL

Hi Lindsey,

Hope all is well. I am getting in touch with some thoughts on SB 1352 (Allen) on behalf of Olson Remcho. As of the latest legislative update, this is a bill where the FPPC has not taken a position. After reviewing this bill, we are very much opposed and wanted to make sure that the FPPC is aware of the implications.

SB 1352 would require candidates and committees to file a third pre-election statement no later than 70 days before an election, for the period ending 75 days before the election. As you know, pre-election reports are currently required for the periods ending 45 days before the election and 17 days before the election.

Simply put: This bill is overkill and places an additional burden on filers without any added benefit to the public. Committees are already required to file 24-hour reports for the entire 90 day period before an election, which is an exceptionally long time. The original 16-day, 24-hour reporting period was implemented to ensure that there was timely disclosure during the critical last 16 days between the closing date of the second pre-election report and Election Day. Given that filers are required to file a significant number of disclosures prior to an election, we see no justification for this third, earlier pre-election report. In many circumstances, a semi-annual report would be due in close proximity to the third pre-election report, thereby making this report even more superfluous. For example, if a third pre-election reporting requirement was implemented for the 2022 General Election, committees would file the following;

1. Semi-annual report covering activity through 6/30: Due 8/1
2. Starting 8/10: 24 Hour reporting period for contributions or independent expenditures of \$1,000 or more
3. First (new) pre-election report covering activity 7/1-8/25: Due 8/30
4. Second pre-election report covering activity from 8/26-9/24: Due 9/29
5. Third pre-election report covering activity from 9/25-10/22: Due 10/27

All information disclosed on the new report would already be disclosed on the report due 9/29, and on 24 hour reports. There is no public benefit to an additional report being filed two months before a relevant election. For a March 2024 presidential primary election, a report would be due the day after Christmas under this new reporting scheme.

In addition to the above flaws, five days to prepare a full campaign report is simply not enough time. The five-day turnaround period for preparation and filing of a report is a relic of the past before there was 24-hour reporting for the entire 90-day period before the election, and we do not need to perpetuate that flaw in the existing reporting regime.

The purpose of these campaign reports is to provide meaningful disclosure to the public. When transactions are disclosed on multiple forms in multiple manners on multiple different timelines, this leads to more public confusion. We think that SB 1352 is a step in the wrong direction.

I hope these comments are helpful and am happy to discuss further if needed.

Best,

Emily Andrews

Partner

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