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FAIR POLITICAL PRACTICES COMMISSION
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To: Loressa Hon, Acting Executive Director

From: Phillip Ung, Director, Legislative and External Affairs

Subject: Technical Amendments to “omnibus non-substantive” bill sponsored by FPPC

Date: February 4, 2019

Bill Number
RN 19 00563

Substance of the Amendment

The FPPC sponsored an omnibus non-substantive legislative proposal that strikes out sections and provisions of the Political Reform Act that staff and the Commission believed are obsolete and outdated. The purpose of proposed bill is to update the Political Reform Act, eliminate sections that are no longer essential, and would not result in any substantive policy changes.

The technical amendments proposed to RN 19 00563 are to remove the proposed strike outs to Sections 85306(b)-(c), 85321, and 87405. Sections 85306 and 85321 are related to the attribution of campaign funds raised or net debts incurred prior to the year 2001. Section 87405 relates to the application of the revolving door prohibition for individuals who left government service prior to the effective date in the year 1980. The amendments would result in those provisions remaining in the Political Reform Act.

Circumstance

When FPPC staff discussed RN 19 00563 with the Assembly Elections Committee consultant to have the bill authored by the Committee, the consultant raised concerns about the respective sections. The consultant could identify some candidates who still had funds and net debts today that existed prior to the year 2001 and thus repealing Sections 85306(b)-(c) and 85321 would be a substantive change to policy for those individual committees and outside the “non-substantive” scope of the legislation.

The consultant also raised concerns over repealing 87405 because it would apply to the lifetime prohibitions in the Act’s revolving door policies. FPPC staff was not able to say with 100% surety that there were no public officials who left office prior to 1980 and who may wish to return and lobby an issue subject to the lifetime ban, although highly unlikely.

Location

The amendment was proposed by the committee consultant and accepted by the Commission’s legislative director via telephone call in Sacramento, California.