

**Meeting Minutes**  
**Fair Political Practices Commission**  
**Law and Policy Committee Meeting**  
**November 8, 2022**  
**10:00 am**

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The Law and Policy Committee meeting was called to order at 10:24 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of August 4, 2022, minutes.**

**MOTION:** To approve August 4, 2022, Committee minutes. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Enforcement Policy Goals.**

Chair Miadich gave an overview of the item and discussed why he felt this item was important to bring to the Commission. The Chair highlighted the discrepancy between mainline cases presented to the Commission in 2020 and the mainline cases presented to the Commission in 2022. The Chair stated his believe that these policy goals will help improve transparency and efficiency within the Enforcement Division.

Commissioner Baker discussed her support for deadlines to improve efficiency and support our team.

Commissioner Baker asked whether the Commission adopts the policies, would any changes need to be voted on by the Commission.

Dave Bainbridge, General Counsel, stated yes, the Governance Policy provides for the Commission to be able to adopt policy to govern the agency, so any changes would need to be voted on by the Commission. Commissioner Baker further asked if any Commissioner, at any time, could inquire about the metrics of the policy, could they ask those questions.

Chair Miadich stated the policy contemplates biannual updates from the Chief of Enforcement and the Governance Policy allows a Commissioner to reach out to the Executive Director with any questions.

Neal Bucknell, Senior Commission Attorney, gave public comment to discuss his experience in Enforcement over the past 14 years, stating the proposal would cause a further delay in processing cases. Mr. Bucknell suggested cutting down on levels of review in order to cause a shorter turn around time.

Chair Miadich stated the item is being presented for discussion with a potential adoption in January and invited further ideas from Enforcement Staff.

Commissioner Baker also invited suggestions that might improve the presented goals either presented as public comment or to the Chief of Enforcement. Commissioner Baker highlighted that there were digital public comments received for this item.

#### **4. Legislative Development.**

Lindsey Nakano, Senior FPPC Legislative Counsel, discussed potential legislative ideas for the next legislative year.

Chair Miadich clarified whether the Commission could set monetary thresholds for paid posts by influencers. Ms. Nakano stated limitations could be added to the legislation.

Commissioner Baker asked what the last format of SB 921 during the last legislative cycle was. Ms. Nakano stated the last iteration had the platforms submitting ads for record keeping purposes.

Regarding proposal three, Commissioner Baker asked if there is an intent to not include the State Redistricting Commission. Ms. Nakano stated the Legal Division is working on a proposal on how the current rules apply to the State Commission and that authority is lacking at the local commissions.

Commissioner Baker commented on the file by proxy item is to not dilute the responsibility that a candidate would have and suggested that the candidate should incorporate and approve the document before it goes out.

Commissioner Baker asked for an overview of how Los Angeles is currently executing the process outlined in proposal eight. Ms. Nakano stated that she will check back with Los Angeles Ethics and will provide an answer.

Regarding the Section 1090 proposal, Chair Miadich stated that the Commission is not seeking the ability through our administrative enforcement process to void contracts, instead we are seeking parallel authority with other authorized officials today to ask a judge to void the contract following a finding of violation of 1090.

Commissioner Baker commented mail that can be sent at the public expense have rules that has to stop 60 days before an election, but email probably did not exist when this rule was created. She stated it might be difficult to find the line between a government resource and promotion of a candidate.

Chair Miadich asked if the Commission currently have a system that could accommodate accepting all the SEI's being filed electronically and asked what the cost would be. Ms. Nakano stated that our system can accommodate, and she will get an answer about the cost.

Commissioner Baker asked when the last time a cleanup bill was done. Ms. Nakano stated that the Assembly Elections Committee often will bring forth a cleanup bill, and this happens sometimes every year. Chair Miadich stated that the last cleanup bill was when the Act was amended to make all terms gender neutral which was Commission initiated.

**MOTION:** To recommend adoption of these legislative ideas. Moved by Chair Miadich, seconded by Commissioner Baker. The motion was approved 2-0.

##### **5. Discussion of items for January 2023 Committee meeting.**

Anticipate Enforcement policy goals for January with the target of Commission adoption in January.

Ms. Nakano's legislative report will be back in January.

**MOTION:** To adjourn the meeting. Moved by Chair Miadich, seconded by Commissioner Baker. The motion was approved 2-0.

The meeting adjourned at 11:07 a.m.