

Meeting Minutes
Fair Political Practices Commission
Law and Policy Committee Meeting
April 6, 2023
10:00 am

The Law and Policy Committee meeting was called to order at 10:04 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of February 7, 2023, minutes.**

MOTION: To approve February 7, 2023, Committee minutes. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Discussion and Interested Person Feedback on Proposed Regulation 18531; Return of Excessive Contributions.**

Toren Lewis, Commission Counsel, presented Interested Persons' feedback on proposed amendments to the existing regulation 18531 concerning the return or attribution of over the limit contributions. Mr. Lewis stated the purpose of implementing changes is in response to legislative enactments to the Political Reform Act. Changes were made based on the Commission's feedback. Mr. Lewis stated the most significant change is harmonizing the different election versus another election language. Another update from the pre-notice is that staff is recommending not defining the term "actual knowledge" as originally proposed. Plain language interpretation is requested instead. Chair Miadich commenting the importance of Interested Persons' meetings, stake holders and the public input for the FPPC. Chair Miadich requested for Mr. Lewis to elaborate on the election issue from pre-notice to present. Mr. Lewis quoted direct text from Statute 85319.5 which permits committees to return or attribute contributions over the limit to another election (Subdivision a and b), also Statute 85319.5, Subdivision, talks about the notice of requirements to contributors. If the committee wants to attribute an over the limit contribution between the primary and general election, it may do so without notification. If the committee chooses to use the over the limit contributions to go to something other than a primary or general election that is what is meant by different elections, perhaps a subsequent year. Section 82022 defines election as any primary, general, special or recall

election. Commissioner Baker would like to know which statute gives the authority to require a prior notification when the contribution is not going to the primary or general for the same election. Mr. Lewis confirmed in Section d(1), in accordance with the regulations adopted by the Commission, requires that the contributor attribute in writing a contribution to a different election. Chair Miadich confirmed that the requirement for the regulation for prior notification is coming directly from the statute.

4. Legislative Update.

Lindsey Nakano, Senior Legislative Counsel, discussed new updates on bills both Commission initiated and other PRA related bills. Commissioner Baker requested clarification on AB 1170 when a filer has an investment property and redacting the address would conflict with transparency. Ms. Nakano confirmed that this bill would require only the street name and the building number to be redacted, although the city ZIP code will be available to the public. Chair Miadich confirmed that you can still request the full address by requesting a paper copy.

AB 37 would make changes to expand permitted use of campaign funds for security expenses. This bill passed in the Assembly Elections Committee 7-2. Questions were brought up about this bill and the purpose. The purpose of this bill is to be allowed more flexibility to spend campaign funds to combat a potential threat to safety. The author is open for feedback. Commissioner Baker questioned what happened to security equipment after the committee is closed and the candidate is no longer in office and the whereabouts of the equipment. Ms. Nakano does not have an answer for that at the moment, but she will look into it.

AB 270 is now amending the PRA to allow public financing of campaigns under certain conditions including allowing a state or local government entity creates a fund for this purpose. AB 270 attempts to address a deficit in the previous law back in 2016 by requiring the bill to go to the voters for approval if passed by the legislature. Also, this bill prohibits the money in a state or local government dedicated fund from being taken from money that is earmarked for education,

transportation, or public safety. Chair Miadich asked how AB 270 and AB 24 could fiscally impact the FPPC if these bills passed. Ms. Nakano confirmed that there's no fiscal yet.

SB 328 expands the acts contributions limits to all elective offices including school districts, community college districts and special districts and passed in the Senate Elections Committee 6-0.

SB 573 is a new bill which prohibits employees designated in the Senate's or Assembly's conflict of interest code from registering as a lobbyist working for a lobbying firm or working for a lobbyist employer for two years after leaving employment with the legislature. This bill does not apply to lobbying activity on behalf of a 501(c)(3) non-profit.

SB 681 would shorten the number of days that a PRA bill must be in print before being voted on. It passed the Senate Elections Committee 6-1 with Senator Nguyen voting no. This bill was also amended to require that PRA bills must be in their final form for seven days before voting by either house.

SB 724 relating to reporting payments for communications that identify an elected state officer passed in the Senate Elections Committee 6-0. New bill SB 858 would transfer the duty to prepare the official summary of measures that will appear on the ballot from the attorney general to the legislative analyst, this bill is contingent on the passage of another bill that makes similar amendments in the California Constitution.

Commissioner Baker agreed with Chair Miadich about the public financing bill possibly affecting our agency in terms on budget that is similar to the 2016 law.

5. Discussion of items for May 2023 Committee meeting.

Chair Miadich stated there would be a legislative update and the Legal Division anticipates holding an interested persons discussion for regulations for Senate Bill 1439.

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

The meeting adjourned at 10:42 a.m.