



(Unapproved and subject to change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Minutes of Digital Transparency Task Force Meeting
Friday, June 18, 2021
10:00 a.m.

Present: Chair Miadich, Brian Brokaw, Rena Davis, Thad Kousser, Amber Maltbie, Jennifer Waggoner, Abby Wood, Katie Zoglin

Staff Present: Sasha Linker, Commission Assistant

Call to Order

Chair Miadich called the meeting to order at 10:01 a.m.

1. Public Comment for items not on the agenda.

2. Approval of May 2021 meeting minutes.

MOTION: Motion to approve May 2021 minutes. Moved by Chair Miadich, seconded by Thad Kousser. Motion approved 7-0.

3. Review and Discussion of Draft Task Force Report Containing Recommendations for Legislative and/or Regulatory Policies

Chair Miadich stated he had minor edits to the report. The first edit, in the first paragraph of the executive summary, “the average person” should be changed to “voters.” Chair Miadich would like the last paragraph of Recommendation 1 to state, “Maryland was the first to require...” rather than “create.” The final edit, in Recommendation 2, section 2b should be updated to explicitly name the top three contributors as a requirement.

Thad Kousser suggested the inclusion of the Board of Equalization when listing who would need to be included in the archive.

Katie Zoglin stated she agreed with Chair Miadich on including the top three contributors to the

archive and would like the questions listed in the executive summary answered or if the questions are answered, then point to where they're answered. Another edit would be to add "so the public can understand who's trying to influence them" when defining an archive in Recommendation 1. Ms. Zoglin's last suggestion was to include staff time in the fiscal analysis. Jennifer Waggoner commented that there is discussion of working with a host or provider in East Asia and wanted to know why, and that there was no content distribution network discussion in the budget. Ms. Waggoner also commented some concerns about the potential longtime budget or fiscal costs.

Jesse Hidalgo, Information Specialist, stated that FPPC staff felt the most comfortable working with Microsoft, and they do not have specific numbers to illustrate their busy seasons cost estimates effectively. Mr. Hidalgo also stated that they pulled cost based on what could be done in-house and that staff felt the broad numbers worked based on the assumption the system would be able to throttle during slow or busy times. He also stated in response to a question from the Chair that they used Los Angeles' program as a base for cost, but the estimates are different based on the taskforce's request for a much shorter time frame for implementation than was followed in LA.

Rena Davis offered to present some potential cost ideas to her colleagues and stated staff could speak with her colleagues if that would be helpful. Ms. Davis also offered that the Department of Innovation might be able to offer technical assistance for the archive. Ms. Waggoner reiterated that her main concern was the traffic on the archive.

Trent Lange, California Clean Money Campaign, suggested adding the top three contributors onto the archive, as well as having the social media platforms transmit their databases to the state archives rather than placing the obligation on the committees since most already maintain the

information and could use API to transfer.

Ms. Davis stated the potential errors in mandating social media platforms to transmit their databases to the state archives, such as accountability and the potential liability through third party chains. This would make social media platforms pseudo-regulators.

Chair Miadich asked who would be responsible if the ads do not reach the archive.

Amber Maltbie stated the potential burdens between the platforms and committees in ensuring that the advertisements have been transmitted to the archive. Ms. Maltbie then discussed the current process of uploading advertisements in the City of Los Angeles Ethics Commission website and stated it hasn't been a burden but making sure everyone knows the requirement is important.

Chair Miadich asked about whether the platforms should have some duty to assist with potential technical difficulties that may occur.

Ms. Davis stated that there will always be some form of customer support to aid the committees if the content provided by the platform is the problem. Ms. Davis also discussed the importance of the archive itself having customer support.

Trent Lange, California Clean Money Campaign, further discussed that because platforms already have the responsibility to provide advertisers with disclosure information due to current law that it would be easier for the committees for those platforms to transmit their information to the archive automatically.

Chair Miadich stated that the main issue is who is responsible to transmit the information into the archive and not what information is going to the archive.

Ms. Davis stated concerns about self-reporting through a third party add another area where things can go awry and can add to fraud.

Trent Lange, California Clean Money Campaign, discussed the option of having the committees verify the information that was submitted by the platform in order to catch any fraud or misinformation since this is easier and less burdensome to committees.

The Chair asked that the issue be flagged for future legislation if there are problems with transmitting ads to the archive.

Ms. Davis stated that it would put more requirements and burden on the committees to keep additional records to double-check the information submitted by the platforms.

Ms. Waggoner stated her agreement that there will be potential complications and difficulties for the platforms if they are required to transmit the information. Ms. Davis acknowledge that some platforms might want to make this a business platform but likes keeping the option open as suggested in the recommendations.

Trent Lange, California Clean Money Campaign, discussed the recommendation that the disclosure research by the legislature have a public hearing at the beginning of the process to aid in informing the scope of the research and what questions it should ask, a second public hearing to disclose and discuss the methodology which allows for the public or stakeholders to provide input, and a public hearing to discuss the data and draft report before it is finalized.

Chair Miadich supports the idea of greater transparency and believes the public hearings are appropriate in this instance. Commissioner Wood believes the public hearings would add to the legitimacy of the research conducted but it could be difficult to implement. She is for transparency but not in too rigid a form. Ms. Zoglin stated she supports transparency but is confused on how it would translate into the research being commissioned. Ms. Waggoner is concerned about the hearing on methodology since generally the consultants hired set the methodology and process and hopes the scope would help dictate the methodology. Mr. Kousser

agrees with transparency of the process but without tying the hands of those conducting the study.

MOTION: To adjourn the meeting. Moved by Chair Miadich, seconded by Brian Brokaw. The motion passed 7-0.

The meeting adjourned at 11:15 a.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved July 6, 2021

Richard C. Miadich, Chair
Fair Political Practices Commission