Staff of the Fair Political Practices Commission (“Commission”) will be holding an interested persons’ meeting on July 14, 2011 at 10:00 a.m. to solicit general public comment and suggestions on revising FPPC regulations. Changes which may be proposed include, but are not limited to exemptions with respect to behested payments, text message contributions and the receipt of refunds by committees that have been terminated.

**Behested Payments**

Whether certain scenarios qualify as “behested payments” under the Act is unclear under the current language of the Act and regulations. The Commission will consider a regulation to exempt from “behested payments” a common situation where a public official’s name is listed on the letterhead of a fundraising letter for a nonprofit organization, but neither the official nor any person on his or her staff act as an agent to solicit contributions to the nonprofit organization on behalf of the official. This regulation codifies current staff advice.

**Text Message Contributions**

Given the growing use of donations by text messages, some political committees in California may wish to create fundraising programs permitting individuals to text small dollar amounts to them. A proposed regulation would provide that a committee may raise funds through low dollar text message contributions under the Act. The regulation would state when text message contributions are considered “received” by the committee and discuss their transfer to the campaign bank account. It would highlight the recordkeeping, reporting, and other provisions of the Act that a text message donation program must comply with.

**Receipt of Refunds After Committee Termination**

The Commission has received several requests for advice concerning receipt of refunds by committees that have already terminated. In most cases the committees have not been aware that they were entitled to a refund prior to termination and would have been able to legally transfer the funds to a new committee had they been refunded prior to termination. A proposed regulation would allow these terminated committees to accept the refunds and transfer them to a new committee without having to reopen the terminated committee, as long as the committee had no knowledge of the right to the refund prior to termination and would have lawfully been able to transfer the funds to the other committee had the funds been in the possession of the
committee prior to termination. The regulation would also provide for reporting of these transactions on statements for both committees involved.

The Chair and Commission staff seek public input on these issues and related matters. You may participate in this interested persons’ meeting in person or by teleconference by calling (888) 751-0624; access code 723284. For questions about participating by phone, you may contact Virginia Latteri-Lopez at (916) 322-5660. The Commission also invites written comments addressing these topics. Written comments should be addressed to John W. Wallace, Assistant General Counsel, at the address set forth above. For general questions about the topics, contact Sukhi Brar, Hyla Wagner, or Heather Rowan at (916) 322-5660.