

Fair Political Practices Commission

Memorandum

To: Chairman Schnur, Commissioners Garrett, Hodson, Montgomery, and Rotunda

From: William J. Lenkeit, Senior Commission Counsel
Scott Hallabrin, General Counsel

Subject: Discussion of Proposed Amendments to Gift Regulations

Date: August 2, 2010

Proposed Commission Action. Staff seeks Commission guidance regarding proposed amendments to the Political Reform Act's (the "Act") gift regulations.

Background. Over the past two years, the Commission has adopted numerous amendments to the Act's gift regulations. Regulation 18944.1 was recently amended to provide that any distribution of tickets by an agency to agency employees be made in accordance with an adopted agency policy that states a public purpose to be accomplished by the ticket distribution. The regulation also requires the agency to post information on its website, on a form approved by the Commission, showing the agency's distribution of tickets and to indicate the public purpose for the distribution.

Reasons for Proposed Amendments to Gift Regulations and Staff Recommendation. Regulation 18946.1 also contains an exception to the definition of "gifts" for tickets provided from an outside source to an official for the purpose of performing a ceremonial role on behalf of the agency at an event (e.g. throwing out the first pitch at a ballgame, presentation of an award, ribbon cutting, etc.). However, because the central purposes of the "gift to agencies" regulations, which include Regulation 18944.1, is to address "gifts" provided by an agency, the "ceremonial role" exception does not relate to the rest of the regulation. Regulation 18942, on the other hand, contains the exceptions to the Act's definition of gift. Because the "ceremonial role" is a general exception to the definition of "gift," and not one specific or even related to the agency gift regulation, staff proposes that this exception be moved to Regulation 18942 with the rest of the exceptions. In this manner, the exception's regulation will contain the exceptions, and the gift of tickets by an agency regulation will address only tickets provided by the agency.

Additionally, language has been added (Regulation 18942, page 3, lines 11-12) requiring the official who attends an event for the purpose of performing a ceremonial role or duty to comply with the online posting provisions in Regulation 18944.1.

These proposed amendments are presented for discussion only. Staff plans to present these amendments for consideration by the Commission at the meeting on September 9, 2010.

Proposed Amended Regulation 18942. As stated above, Regulation 18942 contains the exceptions to the definition of “gift.” Suggested amendments submitted at this time merely move an exception from other regulations into this regulation, so that all the gift exceptions are provided in one place. Additionally, the regulation now clarifies that tickets provided for a ceremonial role must be posted online in accordance with the provisions of Regulation 18944.1.

Proposed Amended Regulation 18944.1. The proposed change moves the ceremonial role exception into Regulation 18942. Regulation 18944.1 is now confined to addressing tickets either provided to the agency from outside donors or owned by the agency, as part of the “gifts to agency” regulations.