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December 6, 2011

Chair Ravel and Commissioners Eskovitz,  
Garrett, Montgomery, and Rotunda  
Fair Political Practices Commission  
428 J Street, Suite 600  
Sacramento, CA 95814

**Re: Agenda Item #25: Repeal and Readoption of Regulation 18247.5; Adoption of Regulation 18227.5 - Primarily Formed and General Purpose Committees**

Dear Chair Ravel and Commissioners:

On behalf of California Common Cause and the 400,000 members nationally, please accept this letter which includes our comments regarding the adoption of regulations related to Primarily Formed and General Purpose Committees.

The Commission and Senior Counsel Hyla Wagner had a challenge on their hands taking on new rules related to Primarily Formed and General Purpose Committees. These Committees are numerous, growing, and participate in every level of California politics from Governor to the election of a regional water board member. Because of their involvement in California's politics, these regulations are essential and must be clear. We offer brief comments and suggestions on which Options the Commission should choose to strengthen these new rules.

**§ 18227.5 (c)(3)(c): Option when Major Donors file with the state:**

Common Cause supports Option 1 because we believe once a major donor has surpassed the threshold they should file campaign reports with the state regardless of any arbitrary dollar amount (Option 2) or percentage spent in other jurisdictions (Option 3). By choosing Option 1, the Commission will also adopt consistency for all major donors.

**§ 18227.5 (d)(1): Review Option:**

Common Cause urges the Commission to adopt Review Option 1: quarterly reporting; because of the two options provided by staff, Option 1 provides more frequent reporting, thus more disclosure and transparency regarding the activities of these campaign committees. Common Cause has consistently supported rules and options that result in close-to-real-time reporting so there is little delay between when activities occurred and when they are disclosed.

**§ 18227.5 (e)(2): Change of Status; further clarification from staff:**

We request counsel clarify to the Commission and the public the policy rational behind the recommendation of “four contributions per calendar year.” Is there a specific statute that guides this recommendation? Is it a result of the Interested Persons’ process? Or was it an attempt by staff to quantify a number of contributions and to set a threshold? The Commission should discuss the policy reasons and whether four contributions are too little or too many or if there are other solutions.

**§ 18247.5 (e)(1): Review for Primarily Formed Committees**

We agree with the San Diego Ethics Commission comments filed on December 1, 2011 that the review periods for General Purpose and Primarily Formed Committees should be consistent with one another to reduce confusion; however we disagree that it should be semi-annual, due to the fact that quarterly reports promote increased disclosure. We urge staff to offer the same Option for Primarily Formed Committees as they did for General Purpose Committees, unless staff has a convincing reason for not offering the same Option for both rules. If inconsistency is the result, we believe any confusion between quarterly reporting for General Purpose and semi-annual reporting for Primarily Formed Committees is negligible, and can be clarified in the Committee Guide/fact sheet.

Please contact me at (916) 520-4070 or [pung@commoncause.org](mailto:pung@commoncause.org) if there are any questions regarding our comments.

Sincerely,

A handwritten signature in black ink that reads "Phillip Ung". The signature is written in a cursive style with a horizontal line underneath the name.

Phillip Ung  
Policy Advocate  
California Common Cause