

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

September 20, 2017

The Honorable Jodi Remke, Chair
Honorable Members
Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

Dear Chair Remke and Members:

We write as chairs of the Senate Committee on Elections and Constitutional Amendments and the Assembly Committee on Elections and Redistricting to convey to the Commission the extraordinary importance and benefits of AB 249 and to encourage you to support it, not oppose it.

Both of our committees have heard very convincing testimony in support of the need for AB 249 and how reasonable it is from experts and stakeholders. Most extraordinary was that our committees received public comment in support of AB 249 in numbers that far exceeded that of any other elections-related bill this year.

We know that the FPPC staff has raised questions about several aspects of the policy in AB 249, including potential “unknown effects” about the provision saying that “dues, assessments, fees, and similar payments made to a membership organization or its sponsored committee in an amount less than \$500 per calendar year from a single source for the purpose of making contributions or expenditures shall not be considered earmarked.”

Our respective committee staffs looked at that provision closely and did not determine it to be problematic. Here’s what the Assembly Committee on Elections and Redistricting analysis said about it (emphasis added):

“Questions have been raised whether this latter provision would (1) allow membership organizations to solicit contributions of less than \$500 per calendar year from their members that are designated for a specific purpose without disclosing the identities of those contributors, as is otherwise required when a committee receives contributions of \$100 or more, or (2) allow an individual or an organization to make contributions to a candidate or committee in excess of existing contribution limits.”

“It should be noted, however, that **this provision does not apply generally to the solicitation of contributions**; instead, it applies only to dues, assessments, fees, and similar payments that are made to a membership organization. Additionally, **nothing in this bill relieves a membership organization or its sponsored committee from provisions of existing law that require a committee to disclose the name, street address, occupation, and employer of persons from which the committee received contributions of \$100 or more in a calendar year**. Finally, no provision of this bill, including the provisions regarding earmarked contributions, expressly or impliedly repeals, amends, or alters the calculation of how much money individuals and organizations may lawfully contribute to political campaigns.”

Any notion that this section increases Proposition 34's contribution limits applicable to membership organizations is unfounded. Nothing in that section supersedes the annual and per-election contribution limits contained in Chapter 5 of the Political Reform Act.

Given the importance of AB 249, as demonstrated by the extraordinary amount of public testimony in support of it and the unanimous support from all good government organizations that have weighed in on it, in addition to our committees' careful analysis of the provisions of the bill, we urge the Commission to reject staff's recommendation to oppose AB 249 unless amended, and to instead vote to support it.

Sincerely,



Senator Henry Stern, Chair
Senate Committee on Elections
and Constitutional Amendments



Assemblymember Marc Berman, Chair
Assembly Committee on Elections
and Redistricting