



STATE OF CALIFORNIA
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To: Chair Remke, Commissioners Casher, Eskovitz, Wasserman, and Wynne
From: Gary S. Winuk, Chief of Enforcement
Subject: Proactive Pre-Election Efforts for the June Primary Election
Date: June 6, 2014

The Enforcement Division continued its efforts to drive compliance with the Act before the election in certain key areas for the June primary. Specifically, the Enforcement Division focused on ballot measure advertisements disclosure, pre-election campaign statements for candidates, and pre-election compliance audits. This resulted in an achievement of 100% compliance in the targeted areas. It also marked a successful start to the pre-election audit program undertaken for the first time in the Commission's history as a result of our contract with San Bernardino County.

Pre-Election Non-filers

In order to facilitate compliance with the Act's filing and reporting requirements the Enforcement Division proactively contacted each city with a population of 100,000 and without a local ethics commission in order to determine who had failed to timely file their required campaign reports. In total, the Division contacted 11 cities. City clerks reported remarkably high pre-election compliance rates from committees under their jurisdiction. The Enforcement Division was required to intervene in only two cases to achieve 100 percent compliance from every city that was contacted.

In one instance, the Division worked closely with the city clerk and the respondent in order to ensure that the committee's reports were filed before the election. In another case, the Division informed a candidate for city council who had failed to file the second pre-election report that the Commission was prepared to immediately initiate civil litigation to compel compliance. The candidate filed immediately after receiving this warning.

The Division has received positive feedback from city clerk's relating to these efforts. They report this this program is an extremely effective tool to drive compliance with their local candidates and gives them the ability to put teeth behind their admonitions to candidates to file their disclosure statements.

Ballot Measure Advertisements

In addition to locating non-filers before the election, the Enforcement Division also proactively reviewed every advertisement relating to State and local ballot measures throughout the state. In total, 12 ballot measures from nine cities and one statewide ballot measure were examined. The

Division was the catalyst for corrections to advertisements relating to two of these ballot measures. Both of these corrections resulted in information about who was paying for these ballot measures being provided to voters before the election.

San Bernardino Contract

In response to a request from the San Bernardino County Board of Supervisors, the Legislature Passed AB 2146, giving the FPPC authority to advise and enforce the San Bernardino County local campaign finance ordinance. The subsequent contract between San Bernardino County and the FPPC called for pre-election audits for every competitive campaign committee in order to ensure disclosure to the public and compliance with the Act.

Since the initiation of the contract, the Enforcement Division has proactively audited 18 campaign committees during both pre-election periods. These audits resulted in multiple violations being corrected, including illegal cash contributions being returned and the correction of multiple reporting errors on campaign statements.

Conclusion

The 2014 June Primary pre-election proactive efforts resulted in increased compliance and disclosure. The Enforcement Division will continue these proactive efforts leading up to the November elections.