



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Germond, Commissioners Cardenas, Hatch, and Hayward

From: Phillip Ung, Director, Legislative and External Affairs

Subject: Sponsored Legislation and Other Legislative Updates

Date: January 11, 2019

At the December 20, 2018 Commission meeting, the Commission approved sponsored legislation for the 2019-2020 Legislative Session. Staff is working with Legislative Counsel to amend the draft bills as the Commission directed.

Staff continues discussions with relevant stakeholders about potential amendments to campaign disclosure requirements including additional cleanup of AB 249 DISCLOSE Act. The Secretary of State's office continues to show interest in pursuing legislation on the three policy issues highlighted by the Commission.

Potential Authors

Staff continues outreach to legislative offices and believes bill authors may commit by late-January/early February. Committee staff for the Legislature are weighing the possibility of the omnibus non-substantive bill as a committee bill. Staff will provide additional updates as discussions develop.

Committee Appointments

Senator [Thomas Umberg](#) (Garden Grove) was appointed as Chair of the Senate Elections and Constitutional Amendments Committee. The following Senators were also appointed to the Senate Elections Committee:

[Jim Nielsen](#) (Yuba City)

[Robert Hertzberg](#) (Van Nuys)

[Connie Leyva](#) (San Bernardino)

[Henry Stern](#) (Calabasas)

The members of the Senate Budget Subcommittee #4 on State Administration and General Government were appointed. The Subcommittee has jurisdiction for the oversight and budget appropriations of the Commission. The Subcommittee members are:

[Maria Elena Durazo](#) (Los Angeles)

Jim Nielsen (Yuba City)

Thomas Umberg (Garden Grove)

Assembly Member [Marc Berman](#) (Los Altos) was reappointed as Chair of the Assembly Elections and Redistricting Committee. The following Assembly Members were also appointed to the Assembly Elections Committee:

[James Gallagher](#) (Yuba City)
[Ian Calderon](#) (City of Industry)
[Evan Low](#) (Cupertino)
[Chad Mayes](#) (Rancho Mirage)
[Kevin Mullin](#) (San Mateo)
[Shirley Weber](#) (San Diego)

The members of the Assembly Budget Subcommittee #4 on State Administration were appointed. The Subcommittee has jurisdiction for the oversight and budget appropriations of the Commission. The Subcommittee members are:

[Jim Cooper](#) (Elk Grove)
[David Chiu](#) (San Francisco)
[Tom Lackey](#) (Lancaster)
[Adrin Nazarian](#) (Van Nuys)
[Buffy Wicks](#) (Richmond)

Attachments

Attached is the “2019 Tentative Legislative Calendar” released by the Office of the Assembly Chief Clerk.

Bill Tracking

Staff has updated the Commission’s [“Pending Legislation”](#) webpage in preparation for the 2019-2020 Legislative Session. The website will continue to serve as a one-stop webpage for the public to access pertinent information about the Commission’s legislative activities.

One bill has been introduced in the Legislature as of January 11, 2019. Staff has spoken with several additional legislators who have expressed their intent to introduce Political Reform Act legislation. The tracking list may be updated prior to the January Commission Meeting.

1. [SB 71](#) (Leyva): Use of Campaign and Legal Defense Funds; violations, harassment and discrimination

FPPC Position: *Sponsor*

Status: Introduced

Fiscal Estimate: Minor and absorbable

Last Action: Introduced, referred to the Senate Rules Committee

Summary:

At the December 20, 2018 Commission meeting, the FPPC voted to sponsor legislation that would amend the Political Reform Act to clarify the proper use of funds from campaign and legal defense committees. Under Senate Bill 71, campaign and legal defense committees would

be prohibited from expending any funds related to the legal costs of defending or filing a claim related to violations of California's Fair Employment and Housing Act.

Current law authorizes elected officials and candidates to use campaign and legal defense funds to pay for the legal expenses that may arise directly out of the conduct of an election campaign, the electoral process, or the performance of the officeholder's governmental activities and duties. Under the Political Reform Act, attorneys' fees and other costs related to administrative, civil, or criminal lawsuits may only be paid with campaign funds if the case is directly related to a political, legislative, or governmental purpose.

In March 2018, the Fair Political Practices Commission (FPPC) withdrew the *Mendoza* Advice Letter (A-18-009) sent to and requested by former Senator Tony Mendoza that permitted him to use legal defense and campaign funds to defend himself against claims of sexual harassment that arose during his status as an elected official.

To remove any ambiguity, Senate Bill 71 will prohibit the use of legal defense and campaign funds for legal expenses, fines, penalties, judgments, or settlements associated with violations of the Fair Employment and Housing Act, including sexual harassment and discrimination.