



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 21, 2017**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **December 19, 2017**.

BACKGROUND/OVERVIEW: Section 85305 prohibits a candidate for elective state office or committee controlled by that candidate from making any contribution to any other candidate for elective state office in excess of the contribution limits set forth in subdivision (a) of Section 85301. Section 85315 allows an elected state officer to accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits...”

At its July 27, 2017 hearing, the Commission deliberated over issues raised with respect to the interplay between Sections 85305 and 85315, and whether the prohibition in Section 85305 limited contributions by state candidates to another state candidate’s recall committee to oppose that candidate’s recall. After consideration, the Commission issued an opinion finding that Section 85315 permits contributions to a candidate’s recall committee by another state candidate without limitation. The Commission adopted the new opinion, *In re Rios* Opinion, No. O-17-001, at its August 17, 2017 hearing.

Consistent with this opinion, the Commission also adopted amendments to Regulation 18535 at its October meeting to expressly state that the prohibition in Section 85305 does not apply to a state candidate’s contributions to another state candidate’s recall committee.

During the deliberation of the amendments to Regulation 18535 for purposes of state candidate contributions to another state candidate’s recall committee, a comment letter was received asking that the Commission also consider reversing the longstanding Commission advice that Section 85305’s restriction on state candidate contributions to another state candidate applied to contributions to another state candidate’s legal defense fund or candidate controlled ballot measure committees. At the direction of the Commission, Commission staff is proposing language to permit unlimited contributions from a state candidate to another state candidate’s legal defense fund and candidate controlled ballot measure committees.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

REGULATORY ACTION:

Amend 2 Cal. Code Regs. Section 18535.

The Commission will consider amendments to Regulation 18535 expressly permitting unlimited contributions from a state candidate to another state candidate's legal defense fund or candidate controlled ballot measure committee. In addition, the Commission may consider additional amendments to clarify the existing provisions of the Regulation 18535.

SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY:

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE:

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 85303, 85304, and 85305.

CONTACT:

Any inquiries should be made to Zachary W. Norton, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>