



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 under 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 **June 13, 2019**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 11, 2019**.

BACKGROUND/OVERVIEW:

The various regulations below each pertain to the Political Reform Act. Staff proposes various non-substantive changes to these regulations, including correcting and updating cross references, correcting spelling and grammar, and alternate phrasing and reorganization for the purpose of clarification.

- Regulation 18117 pertains to the duties of filing officers and filing officials, and the effect of non-compliance on filing and disclosure obligations.
- Regulations 18215.1 relates to campaign fund contribution aggregation, and provides that contributions directed and controlled by an individual are aggregated with contributions made by that individual (and any other contributions under the direction and control) of the individual.
- Regulation 18215.3 relates to “behested payments” reporting. It currently provides definitions for when a payment is considered “made at the behest of” certain individuals.
- Regulation 18217 explains under what circumstances a nonprofit organization is considered a controlled committee, along with additional provisions relating to nonprofits as controlled committees.
- Regulation 18219 concerns the term “designated employee,” and what types of workers are considered designated employees.
- Regulation 18225.4 provides direction on when independent expenditures should be aggregated, along with definitions for terms relevant to the regulation.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

- Regulation 18225.7 pertains to the term “made at the behest of” and distinctions between independent and coordinated expenditures.
- Regulation 18238.5 defines the terms “lobbying firm” and “individual contract lobbyist.”
- Regulations 18308.1 concerns the authority of the FPPC, and lays out the various roles that the Commission takes on, such as proposing, adopting, codifying, and monitoring policies for the FPPC.
- Regulation 18308.3 provides that the Commission delegates to the Executive Director responsibility for the operations and management of the agency in conformance with Commission-established policy, and lays out the various authorities entrusted in the Executive Director.
- Regulation 18404.1 relates to the termination and reopening of committees, including when committees must be terminated and under what circumstances they may be reopened.
- Regulation 18466 involves state ballot measure contributions and expenditures, online reports, when reporting is applicable, the reporting threshold for committees supporting multiple state measures on the same ballot, as well as exceptions to Government Code section 84204.5.
- Regulation 18531.61 pertains to the treatment of debts outstanding after an election, including definitions for relevant terms, and provisions on how “net debts outstanding” are to be calculated.
- Regulation 18535 concerns restrictions on contributions between state candidates, including the maximum contribution amount permitted under various circumstances.
- Regulation 18741.1 pertains to the “revolving door” provisions that public state administrative officials must follow after leaving state employment and seeking new employment outside of their former office.
- Regulation 18944 includes provisions regarding payments made to an agency for use by agency officials, including general applicability and various definitions.

REGULATORY ACTION:

Amend 2 Cal. Code Regs. Section 18117 by changing a cross reference from Section 82015(b)(2)(B)(iii) to Section 84224 to reflect statutory renumbering.

Amend 2 Cal. Code Regs. Section 18215.1 by changing a cross reference from “section 18428” to “Regulation 18428,” given that Regulation 18200 provides that “Section” refers to the Government Code and “Regulation” refers to Division 6 of Title 2 of the California Code of Regulations, unless otherwise specified.

Amend 2 Cal. Code Regs. Section 18215.3 by (1) removing a cross reference to repealed Regulation 18901(c)(2); (2) changing cross references to Section 82015(b)(2)(B)(iii) and (b)(3) to Sections 82004.5 and 84224, to reflect statutory renumbering; (3) removing superfluous cross references to renumbered Sections 82015(b)(2)(B)(iii) and (b)(3); and (4) making non-substantive, clarifying changes to phrasing.

Amend 2 Cal. Code Regs. Section 18217 by (1) replacing the phrase “Government Code section” with “Section 82013(a),” given Regulation 18200, noted above and (2) replacing the word “and” with the intended word “an,” in the phrase, “[f]or purposes of this regulation, and organization is”

Amend 2 Cal. Code Regs. Section 18219 by changing a cross reference from Regulation 18701(a)(2) to 18700.3(a) to reflect regulatory renumbering.

Amend 2 Cal. Code Regs. Section 18225.4 by changing a cross reference from “Section 18225.4” to “Regulation 18225.4” and changing another cross reference from “Section 18428” to “Regulation 18428,” based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18225.7 by (1) changing a cross reference from “Section 82015(b)(2)(B)” to “Section 84224” to reflect a statutory renumbering; (2) adding a cross reference to Section 82041.3 in subdivision (a)(2), given that the definition of “made at the behest” is now also contained in that statute; and (3) implementing non-substantive, clarifying changes in phrasing.

Amend 2 Cal. Code Regs. Section 18238.5 by changing a cross reference from “Section 18239(d)” to “Regulation 18239(d),” based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18308.1 by adding hyphens to references to “the Bagley Keene Act” and changing a cross reference from “Section 18308.1” to “Regulation 18308.1,” based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18308.3 by changing a cross reference from “Section 18308.1” to “Regulation 18308.1,” based on Regulation 18200

Amend 2 Cal. Code Regs. Section 18404.1 by updating a cross reference from “Regulation 18531.61(d)” to “Regulation 18531.61(b)(3),” to reflect regulatory re-numbering.

Amend 2 Cal. Code Regs. Section 18466 by removing the phrase “Government Code” from references to specific sections of the Government Code, based on Regulation 18200, and changing a cross reference from “Section 84204.5(b) or (c)” to “Section 84204.5(c) or (d),” to reflect statutory renumbering.

Amend 2 Cal. Code Regs. Section 18531.61 by renumbering subdivisions (b)(3)(A) through (D)(ii) to subdivisions (b)(3)(A)(i)-(iv) and (b)(3)(B)(i)-(ii), and implementing non-substantive, clarifying changes to the language within those subdivisions.

Amend 2 Cal. Code Regs. Section 18535 by updating the stated contribution limit to its current limit and implementing non-substantive, clarifying changes to phrasing.

Amend 2 Cal. Code Regs. Section 18741.1 by changing a cross reference from “Regulation 18702.1-18702.4” to “Regulation 18704,” to reflect regulatory renumbering.

Amend 2 Cal. Code Regs. Section 18944 by changing a cross reference from “Regulation 18702.4(c)” to “Regulation 18704(d)(5),” to reflect regulatory renumbering.

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. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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 entity or program.

AUTHORITY: 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 Act.

REFERENCE: The purpose of these regulations is to clarify and implement Government Code Sections 81000 through 91014.

CONTACT: Any inquiries should be made to Kevin Cornwall, Fair Political Practices Commission, 1102 Q St., 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>.