



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811  
(916) 322-5660 • Fax (916) 322-0886

July 22, 2019

The Honorable Kevin Mullin  
California State Assembly  
State Capitol, Room 3160  
Sacramento, CA 95811

**RE: Assembly Bill 1217 (Mullin) – Issue and Electioneering Advertisements – OPPOSE  
UNLESS AMENDED**

Dear Assembly Member Mullin,

On July 18, 2019, the bi-partisan Fair Political Practices Commission adopted an “oppose unless amended” position on Assembly Bill 1217, a bill that would require specified disclosure content and formatting for communications considered issue or electioneering advertisements.

The Political Reform Act requires specified disclosures in advertisements regarding the source of the advertisement. The Act defines “advertisement” for these purposes to mean a general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures. The Act also requires certain advertisements paid for by certain committees to disclose the names of the top contributors, which is defined for these purposes to mean the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more.

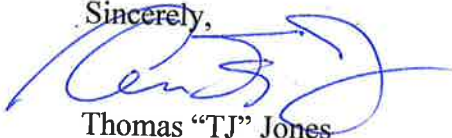
AB 1217 would require disclosures on electioneering communications and issue advocacy communications similar to those required on campaign advertisements. The bill would also add numerous new terms and definition to the Act to ensure top funders are listed on issue advocacy and electioneering communications.

Enforcing the provisions of this bill would require resource-heavy investigations because there are no corresponding disclosures filed to assist in determining the source of communications lacking proper disclosures. Also, AB 1217 establishes pre-election timing thresholds (60 days before a general or special election, 30 days before a primary election) that are substantively different than current electioneering requirements under Section 85310 (within 45 days of any election). Lastly, Commission staff believes the bill could lead to legal challenges over its constitutionality.

Despite amendments to the bill made in July, the FPPC believes the actions taken do not go far enough to alleviate its concerns. Therefore, the Commission voted to change its position to “oppose unless amended” at its July meeting.

We look forward to continue working closely with your office to ensure future amendments to AB 1217 address the Commission's current concerns. If you have any questions, please contact Jay Wierenga at [jwierenga@fppc.ca.gov](mailto:jwierenga@fppc.ca.gov) or 916-322-5723.

Sincerely,



Thomas "TJ" Jones  
Executive Director