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December 17, 2019

VIA ELECTRONIC MAIL

Chair Miadich and Commissioners Cardenas, Hatch, Hayward and Wilson
Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

RE: Comments on Legislative Development (Agenda Item 16)

Dear Chair Miadich and Commissioners:

I write to provide comments regarding commission staff's new legislation proposals for 2020. While the proposals are organized by topic as three separate packages (campaign, statement of economic interests, and enforcement), the staff's recommendation for all three are for the Commission to (1) direct staff to submit the proposals to the Office of Legislative Counsel, (2) adopt a sponsorship position, and (3) authorize commission staff to retain an author or authors for bill introduction.

While we appreciate the proactive approach to identifying legislative priorities for 2020, we urge caution in adopting a sponsorship position or authorizing retention of an author for these proposals at this time. The proposals provided in connection with this agenda are in brief summary form and could be implemented in a variety of ways with varying impacts on the Commission, the regulated community, and other stakeholders. Our preliminary review of these proposals suggests that more detail is warranted before the Commission adopts a support position.

For example, the stated goal for proposal "SEI-3" is to "clean up SEI provisions to improve interpretation, compliance, and enforcement." While this is a positive objective, the impact is unknown and we are unable to make substantive comment because no details or examples of the issues of interpretation, compliance or enforcement that this proposal seeks to address are provided.

Another example is the stated goal of proposal "E-2" to "modify[] the maximum administrative and civil penalties to focus on larger infractions." While focusing enforcement resources on larger and more egregious infractions is good policy, it is unclear whether the proposal would increase penalties for all violations or only certain types of violations. It is also unclear how the

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Commission's recent changes to the streamlined settlement program, which potentially subject more cases to full penalties, impact this objective and whether this will be taken into account in the legislation.

More detailed proposals, or possibly draft language, will also allow the regulated community and other stakeholders to provide meaningful input and feedback. As currently proposed, it is difficult to provide substantive comments because there is not enough detail to know the extent of the proposed changes and their impact.

To the extent the Commission narrows the scope of legislative priorities and Commission staff presents more detailed proposals, we look forward to providing meaningful input for the Commission's consideration.

Very truly yours,

OLSON HAGEL & FISHBURN LLP



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