

September 16, 2019

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

RE: Proposed Amendments to FPPC Regulation 18419

Dear Chairman Miadich and Commissioners:

I write on behalf of the California Teachers Association (CTA) in opposition to the Commission's proposed amendments to Regulation 18419. If the Commission decides to proceed with the amendments, substantial revisions are necessary to ensure the amendments comply with statutory requirements and do not create unnecessary rules substantially lengthening political advertising disclaimers.

As a threshold issue, CTA opposes amending the regulation because there is no evidence the existing rules are deficient. FPPC staff have acknowledged this fact by saying inadequate sponsor identification in committee names "does not appear to be a widespread problem." According to staff, "From what I can tell, most sponsored committees are adhering to the underlying purposes of the naming requirements." ([FPPC Pre-Notice Discussion, August 15, 2019, Agenda Item 10, beginning at 29:55 of the hearing.](#)) The FPPC's staff memo on regulatory changes presented no examples of the committees failing to comply with rules or even where there was a question about whether rules were followed.

If the Commission decides to proceed with regulatory changes, there are several issues needing to be addressed, as follows:

1. Same industry or other identifiable group. This requirement is inconsistent with the statutory language provided in Gov. Code §84102 which allows use of a descriptive term for sponsors who are part of "*an industry or other identifiable group.*" Because the language of the proposed regulation is inconsistent with the statute, CTA does not believe the change is allowed.

Furthermore, the regulations do not clarify what it means to be part of the same business or trade or what type of non-profit common purpose is enough to meet the test. This raises a few questions about how businesses, labor unions and other non-profit organizations who are in similar industries, but who have somewhat different purposes are to comply with the new requirements.

The draft regulation does not clarify if separate identification may be by a separate group (i.e. sponsored by teachers and firefighters' organizations) or by the name of each sponsor (i.e. sponsored by the California Teachers Association and California Professional Firefighters). Requiring inclusion of the name of each sponsor in the

name of the committee would create unreasonably long committee names, which would make compliance with disclaimer provisions nearly impossible.

2. Illustrative examples. The proposed amendments are substantially more descriptive than what is used in common practice and most of the examples include a geographical term. The proposed draft also raises a question about whether describing a committee sponsored by multiple labor organizations can use “sponsored by labor organizations” to satisfy the committee naming requirements. We believe the examples in the regulation should be revised to make it clear how the rule applies to labor organizations and to clarify geographical or more descriptive terms are not required.
3. Periodic check of committee sponsors. The proposed regulation requires a committee to verify committee sponsors every time it files a campaign statement. This requirement is too burdensome because committees often file campaign reports within 30 days of each other during election years. We prefer the sponsor verifications be required semi-annually or, at most, quarterly to coincide with verifications of committee status consistent with FPPC Regulations 18247.5 and 18227.5.

We appreciate the opportunity to provide these comments. Please do not hesitate to contact me if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Teri Holoman".

Teri Holoman  
Associate Executive Director Governmental Relations  
California Teachers Association