

## Sasha Linker

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**From:** Amanda Apostol  
**Sent:** Monday, April 03, 2023 3:41 PM  
**To:** Sasha Linker  
**Subject:** FW: Proposed Regulation 18531 - IP Meeting

Comments received for 18531.

Thank you,  
Amanda

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**From:** <[REDACTED]>  
**Sent:** Friday, March 31, 2023 11:54 AM  
**To:** tlewis@fppc.ca.gov  
**Cc:** Amanda Apostol <aapostol@fppc.ca.gov>  
**Subject:** Proposed Regulation 18531 - IP Meeting

### EXTERNAL EMAIL

Ms. Lewis:

I am the author of the Orange County Campaign Reform Ordinance and have monitored compliance with it since 1978. Our local ordinance (approved by 70% of the voters) requires excess contributions to be returned within 7 days of being notified they are over the limit AND requires written notification showing the donor's name, the amount returned, and the date of the return, to be provided to the filing officer within 72 hours after the return. Our ordinance does not allow attribution to a future election.

By requiring the notification of the return, it provides 1) notification to the public and challengers that the excess contribution has been returned, and 2) a reminder to report the refund in the next Campaign Statement 460 filing.

This has worked extremely well in Orange County. Is Regulation 18531 intended to apply to local ordinances such as the Orange County Campaign Reform Ordinance?

My concern about the proposed changes to Regulation 18531 are:

1. Unless you require notification to the Filing Officer of a refund or attribution within a reasonable time period of making said refund or attribution, the public has no way of knowing that the excess contribution was timely corrected. There would be no knowledge until the next 460 Campaign Statement was filed, which in some cases would be as long as 6 months later. This is important information especially during the months preceding an election. **Therefore, I would recommend adding a requirement to Reg,18531 which would serve to notify the public and challengers that excess contributions were immediately taken care of.**

2. Paragraph f of the proposed Reg. 18531 requires written notification to the contributor of an excess contribution, and provides an opportunity for that contributor to ask for a written request for a refund. In the interests of transparency, how does anyone outside of the candidate and his/her committee, know about such correspondence or lack of? Furthermore, the elapsed time it takes to provide and obtain these written notices prohibits the timely return or attribution of the excess contribution. **I would recommend deleting paragraph f in its entirety as it delays the refund/attribution AND there is no way for the public to know if paragraph f was complied with. I also do not believe the FPPC and staff will be routinely verifying compliance with paragraph f .**

3. As I noted above, the Orange County Campaign Reform Ordinance requires a timely refund of an excess contribution, with proper notification to the Filing Officer. It does not allow for attribution to another election because of 1) difficult to track, 2) the candidate may or may not run for another election for the same office, and 3) our contribution limit is based on the amount of a contribution that is received/accepted during a defined Election Cycle with beginning and ending dates - it does not allow excess contributions in the current Election Cycle to be transferred to a future Election Cycle for that candidate. Proposed Reg. 18531 will have these same issues. I believe attribution to a future election is a huge loophole which is unfair to challengers who do not have incumbency that attracts contributions. In other words, the incumbent would be in an advantageous situation to raise excess contributions to transfer to his potential next election. It also violates the main purpose of "contribution limits per the current Election Cycle". **I recommend Reg. 18531 disallow the attribution of excess contributions to a future election cycle for these reasons.**

Thank You for consideration of the above.

Shirley L. Grindle