



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Remke and Commissioners Audero, Casher, Wasserman, and Wynne

From: Phillip Ung, Legislative and External Affairs Director

Subject: Legislative Update – May 2016

Date: May 9, 2016

Since the April meeting, three bills monitored by Commission staff have died in the Legislature: AB 2284 (surplus funds), AB 2840 (prohibit nonprofit travel), and SB 1251 (ballot pamphlet). Most of the other bills have been approved in policy committees and referred to the Legislature's respective fiscal committees to address costs.

The Commission's website now features a Legislation page to provide transparency to the public on pending legislation affecting the Political Reform Act or the Commission. The page includes all the relevant information about bills being monitored, the Commission's positions, position letters, and monthly commission reports. The page can be found under the [Transparency Portal](#).

Staff is recommending a new position on one bill and raising concerns about four others.

Recommended Positions and Concerns with Legislation (#1-5)

1. AB 2523 (Mullin): Contribution Limits: Local Elections

FPPC Position: None currently

Status: Assembly Appropriations Committee, Suspense File

Fiscal Estimate: \$364,865 first year; \$343,865 ongoing

Introduced: February 19, 2016

Amended: April 19, 2016

Last Action: Assembly Appropriations Committee refers bill to Suspense File

Staff Recommendation: ***Oppose unless Amended***

Summary:

The Political Reform Act contains contribution limits and other restrictions related to contribution limits for state office and statewide offices. The Act specifies nothing in the law prevents the Legislature or local agency from adopting additional requirements, and nothing in the Act nullifies contribution limitations or prohibitions in local jurisdictions. All ordinances or other provisions adopted by local governments must be filed with the Commission.

This bill would repeal permissive language in the Election Code that allows counties (Elec. Code, § 10003), cities (Elec. Code, § 10202), and special districts (Elec. Code, § 10544) to adopt ordinances and resolutions limiting campaign contributions. In place of the permissive language, the bill would require a candidate for local elective office to adhere to either: (1) the state legislative contribution limit of \$4,200 per election, as adjusted by the Commission (Gov. Code, § 85301(a)); or (2) the limits adopted by local ordinance or resolution, which may be *less or greater* than the state limit.

For jurisdictions that do not adopt their own contribution limits, a violation of the state legislative limit adopted by this statute would be punishable by civil fines of \$5,000 or three times the amount in excess of the contribution limit, and as a criminal misdemeanor if the person willingly or knowingly violated the law. Under the bill, the local district attorney would have the *sole* responsibility to investigate and prosecute these civil and criminal penalties. If a jurisdiction adopts its own contribution limits, it also may adopt its own enforcement process, which may include administrative, civil and criminal penalties.

Staff Recommendation:

Staff has expressed concerns with the author's office and the main proponent, Common Cause, about: 1) the campaign finance proposal not being in the Political Reform Act; 2) the likely confusion to local candidates and the possible unintended consequences to the Commission regarding advice and enforcement on local campaign issues that would continue to fall under the Act and the Commission's jurisdiction (i.e., laundered campaign contributions); 3) the priority the district attorneys would place on enforcing violations of campaign finance laws and their capacity to pursue violations; and 4) what systems would be established to investigate complaints and approve administrative penalties for jurisdictions who adopt contribution limits and how those systems interact with the Commission's enforcement powers.

Additionally, major concerns have arisen about the need for local jurisdictions to adopt complex regulatory structures to successfully implement contribution limits for which the bill is silent. For example, the bill fails to address aggregation of contributions, transfers between a candidate's own committees, carry over of contributions to other elections, and post-election fundraising restrictions. This is a small sampling of the relevant provisions - there are at least 29 statutes and regulations that address or impact state contribution limits. Leaving it up to each local jurisdiction to adopt this complex structure is likely to cause significant issues on compliance and enforcement, especially in situations where cities in the same county have differing structures.

The California State Association of Counties (CSAC) and the Rural Counties Representatives of California (RCRC) have both taken "oppose unless amended" positions. CSAC's concerns are related to the need for extensive resources for district attorneys to enforce contribution limits for county, city, and special jurisdictions within the county. CSAC raises a concern over multi-county special districts and which district attorney would have enforcement jurisdiction. RCRC has requested the Commission be given the authority to enforce AB 2523.

Since the last Commission hearing, the bill has not been amended to address staff's ongoing concerns and therefore an "oppose unless amended" position is recommended. The primary suggestions include moving the proposed language into the Political Reform Act, giving enforcement responsibilities to the Commission if a local jurisdiction does not have or adopt its own enforcement system, and addressing the regulatory structure necessary to complement contribution limits. Staff will continue to reach out to the author's office to express our concerns and the need for a more collaborative and systematic approach to such an important change to local elections.

2. AB 2002 (Stone): Lobbying: California Coastal Commission

FPPC Position: None currently

Status: Assembly Appropriations Committee

Fiscal Estimate: \$215,327 first year, \$201,327 ongoing

Amended: April 12, 2016

Last Action: Approved in Assembly Natural Resources Committee (Ayes 7. Noes 2. Abs 0.)

Referred to Assembly Appropriations (4/19/16)

Staff Recommendation: *Monitor to Address Concerns*

Summary:

The Act defines and regulates administrative actions and requires lobbying registration, disclosure and compliance from those who qualify. This bill would further define administrative action to include the Coastal Commission's quasi-judicial proceedings (such as issuing permits for particular projects). The bill also further exempts certain individuals who receive compensation to influence an administrative action if the person limits the activity to no more than one per calendar year or is a local government agency employee acting in the scope of employment.

The language of AB 2002 was taken from SB 929 (Kehoe, 2005), a bill that did not pass its house of introduction. At this time, the current language appears to be placeholder language. The concern expressed by the author's office is that the Coastal Commission allows ex parte communications with its commissioners on quasi-judicial, non-enforcement proceedings. These quasi-judicial proceedings to issue permits make up the vast majority of the Coastal Commission's activities. The Act does not currently include quasi-judicial proceedings within its definition of administrative actions as these proceedings are regulated by the Administrative Procedure Act (APA).

Staff Recommendation:

Normally, in proceedings subject to the APA, ex parte communications are strictly prohibited. However, in the Public Resources Code, the Coastal Commission is explicitly exempted from the prohibition. Interestingly, this exemption is not unique to the Coastal Commission – at least 14 other agencies appear to have some form of exemption from the APA's prohibition on ex parte communication. If adopted into law, the Commission would be required to enforce and administer lobbying rules related to quasi-judicial proceedings.

Rather than classifying these communications in *quasi-judicial proceedings* as “lobbying” for the purposes of the Coastal Commission as proposed by this bill, staff questions whether the exemption from the APA should be re-examined. At the very least, this issue should be considered on a more global level before each exempt agency is added piecemeal to the Act and each with its own set of distinctive requirements. Such a fragmentary approach to the ex parte communication issue would make implementation and enforcement by the Commission difficult and costly.

Commission staff has discussed these concerns with the author’s office. Senator Hannah Beth-Jackson’s SB 1190 would eliminate the exemption for ex parte communications. Staff is monitoring SB 1190.

3. AB 2318 (Low): FPPC Enforcement of use of public resources

FPPC Position: None currently

Status: Assembly Appropriations Committee, Suspense File

Fiscal Estimate: \$330,299 for first year and \$309,299 ongoing

Amended: March 28, 2016

Last Action: Approved in Assembly Judiciary Committee on Consent Calendar (Ayes 10. Noes 0). Referred to Assembly Appropriations where it was referred to Suspense File.

Staff Recommendation: ***Monitor to Address Concerns***

Summary:

Current law prohibits the use of public funds for campaign activities. Current law also prohibits a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would authorize the Commission to bring a civil action or to commence an administrative action for violation of these provisions.

Staff Recommendation:

At the request of Commission staff, the bill was amended to be placed in the Political Reform Act. However, Commission staff more recently provided more substantive amendments to further conform this legislation into the registration, filing, and auditing structures in the Act. If those amendments are not accepted, we may want to consider opposing the bill because as currently drafted it would be difficult for the Commission to implement and it would cause unnecessary confusion with existing laws, thereby potentially defeating the goals of the bill.

4. AB 2628 (Levine): Employment Restrictions: Revolving Door

FPPC Position: None currently

Status: Assembly Appropriations Committee

Fiscal Estimate: \$282,351 for first year, \$268,351 for ongoing

Amended: April 19, 2016

Last Action: Approved in Assembly Elections Committee (Ayes 4, Noes 2, Abs 1). Referred to Assembly Appropriations Committee (4/20/16).

Staff Recommendation: *Monitor to Address Concerns*

Summary:

The Act imposes restrictions on post-governmental employment of specified public officials of state and local agencies. For example, the Act contains numerous revolving door provisions including a one-year ban for local official (Gov. Code, Section 87406.3), a one-year ban for state officials (Section 87406), and a permanent ban for state officials (Sections 87401 and 87402). The Act also prohibits officials from making, participating in making, or using official position to influence a governmental decision in which the official has a financial interest. (Section 87100.)

This bill would prohibit an elected or appointed officer of a state or local agency, while holding office and for a period of one year after leaving office, from (1) maintaining employment with or being a compensated consultant of the state or local agency; or (2) aiding, advising, consulting with, or assisting an entity, for compensation, with a permit, regulatory action, or enforcement action pending before the state or local agency. The bill also requires each state agency and each local agency to maintain a website and post statements of economic interests on that website.

This bill has been amended three times since it was introduced in February. If it moves forward in its current form, Commission staff will suggest amendments to clarify terms (e.g., appointed officer), and to assure consistency with existing law as there are numerous overlapping laws that already cover portions of the activity prohibited by this bill. Similar suggested amendments will need to be made to the website posting requirement for Form 700s. Staff will reach out to the author's office to set a meeting.

5. SB 1467 (Bates): Restrictions on Advertisements by Candidate Controlled Ballot Measure Committees

FPPC Position: None currently

Status: Senate Appropriations Committee

Fiscal Estimate: \$266,038 first year, \$252,038 ongoing

Introduced: February 19, 2016

Amended: April 13, 2016

Last Action: Approved in Senate Elections Committee (Ayes 4, Noes 1, Abs 0). Referred to Senate Appropriations, sent to Suspense File.

Staff Recommendation: *Monitor to Address Concerns*

Summary:

This bill would prohibit a candidate controlled ballot measure committee from expending funds on an advertisement if the advertisement features the controlling candidate or another officeholder or candidate.

The bill received substantial amendments in Senate Elections Committee, reforming the bill from one related to contribution limits to prohibiting the featuring of a candidate or officeholder.

Staff Recommendation:

Staff believes the restriction proposed in this legislation might lead to litigation regarding First Amendment issues, which would result in unknown but significant costs to the agency.

Bills with Active Positions (#6-11)

6. AB 2250 (Ridley-Thomas): Foreign Contributions

FPPC Position: *Support*

Status: Assembly Floor – Third Reading

Fiscal Estimate: Minor and absorbable

Introduced: February 18, 2015

Last Action: Approved in Assembly Appropriations (Ayes 16. Noes 0. Abs 4.). Referred to Assembly Floor.

Summary:

The Political Reform Act prohibits a foreign government or principal, as defined, from making a contribution or expenditure *in connection with a ballot measure* and also prohibits a person or committee from soliciting or accepting a contribution from a foreign government or principal for this purpose. (Section 85320.) This bill would expand the scope of these prohibitions by also prohibiting a foreign government or principal from making a contribution or expenditure, and a person or committee from soliciting or accepting this type of contribution, *in connection with any election in California* (not just ballot measures). While this activity is currently prohibited under federal law, this bill expands the Commission's authority to enforce incidents of foreign contributions or expenditures into California campaigns should the Federal Election Commission (FEC) not act. This bill has an urgency clause so it can be in place in advance of the 2016 general election.

Staff Update

AB 2250 was approved in Assembly Appropriations Committee with bipartisan support and was referred to the Assembly Floor for a full house vote.

7. AB 2558 (Steinorth): San Bernardino County Enforcement

FPPC Position: *Support*

Status: Senate

Fiscal Estimate: Unknown administrative, implementation, and enforcement costs to Commission, to be reimbursed by the County of San Bernardino.

Introduced: February 19, 2016

Last Action: Approved on Assembly Floor Consent File (Ayes 76. Noes 0. Abs 4). Referred to Senate.

Summary:

Current law, until January 1, 2018, authorizes the Commission, upon mutual agreement with the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County. (Section 83123.5.) This bill would repeal the January 1, 2018, sunset date, thereby extending the operation of these provisions indefinitely.

Staff Update

The bill was approved on the Assembly Floor Consent File and sent to the Senate for committee assignment.

8. SB 1349 (Hertzberg): Cal-Access

FPPC Position: *Support*

Status: Senate Appropriations Committee, Suspense File

Fiscal Estimate: \$131,384 first year and \$124,384 ongoing.

Amended: April 18, 2016

Last Action: Referred to Senate Appropriations Committee Suspense File (4/25/16)

Summary:

The bill requires the Secretary of State, in consultation with the Commission, to develop and launch a new, data-driven disclosure system for campaign finance and lobbying by February 1, 2019. Additionally, the bill requires the Secretary to produce a report by December 31, 2017 on the capability to accept campaign statements from local jurisdictions. The bill expressly exempts the system's development from the information technology procurement requirements prescribed by law. The bill also specifies certain features and operations for the new system.

Staff Update:

The author amended the bill on April 18 to include a number of amendments requested by Commission staff. The bill was referred to the Suspense File to address the fiscal impact of the legislation. In addition to the costs to the Commission, the Secretary of State has estimated that building the system will cost \$11.6 million one-time and \$2.8 million annually.

9. AB 700 (Gomez): Advertisement disclosure

FPPC Position: *Oppose unless amended*

Status: Senate Elections and Constitutional Amendment Committee

Fiscal Estimate: \$350,000

Introduced: February 25, 2015

Amended: January 14, 2016

Last Action: Referred to Senate Elections and Constitutional Amendment Committee (2/4/16)

Summary:

The Act provides comprehensive regulations for campaign finance disclosure requiring committees that support or oppose ballot measures to use the name or phrase that clearly identifies the economic or other special interest of its donors of \$50,000 or more. If major donors share a common employer, then the employer is disclosed.

The bill would redefine and recast the Act's advertisement disclaimer provisions. The bill prescribes the disclosure statements, location, and format criteria required for television, radio, telephone, and internet advertisements with some exemptions; excludes apparel, sky writing, and certain electronic media. The bill would require on-advertisement disclosure of the top three contributors. Certain committees would be exempt from the top contributor disclosure, including major donors and individuals and entities making independent expenditures.

The bill also explicitly exempts from the definition of "advertisement" a communication paid for by a political party or a candidate controlled election committee. There is no explanation for this broad exemption. In addition, the bill uses the term "earmarked funds" to determine the top three contributors, which is inconsistent with the prohibition against "earmarking" under current law. (Gov. Code, § 85704.) Finally, it should be noted that there is a potential risk for litigation as a result of the provision in the bill that would expand the advertisement rules to general purpose committees.

AB 700 received three substantial amendments in January prior to being approved by the Assembly Appropriations Committee and the Assembly Floor. AB 700 was approved by the Assembly (60 ayes – 15 noes).

Staff Update

Staff has shared suggested amendments to achieve the proponent's goal of increased disclosure, while addressing our concerns regarding consistency with existing law, implementation and enforcement. The author and sponsor have not yet engaged substantially to discuss the suggested amendments or any other workable alternatives. Accordingly, the Commission should maintain the position of oppose unless amended.

10. AB 1200 (Gordon): Lobbying: procurement contracts

FPPC Position: *Oppose*

Status: Enrolled

Fiscal Estimate: \$872,000 (two years), \$760,000 (ongoing)

Introduced: February 27, 2015

Amended: February 10, 2016

Last Action: Passed by Assembly (Ayes 72. Noes 0. Abs 8). Enrolled to the Governor

Summary:

The Act regulates the activities of lobbyists, lobbying firms, and lobbyist employers who attempt to influence legislative and administrative actions. This includes placement agents who attempt to influence investment decisions of CalPERS, CalSTRS, and the UC Retirement Systems. The Act requires lobbying entities to register and file quarterly disclosure reports with the Secretary of State.

AB 1200 proposes to establish reporting, disclosure, and other lobbying requirements on persons who attempt to influence government procurement decisions where total estimated costs of the procurement exceed \$250,000. This requirement would only include persons who are contracted to provide such services, not in-house employees.

Staff Update

AB 1200 was approved by the Assembly on Concurrence File (Ayes 72. Noes 0. Abs 8). The bill was sent to the Governor's desk. The Chair sent a letter to the Governor, requesting a veto outlining our concerns.

11. AB 1582 (Travis Allen): Conflicts of interests: post-secondary educational institutions

FPPC Position: *Oppose*

Status: Assembly Elections and Redistricting Committee

Fiscal Estimate: Not yet requested

Introduced: January 5, 2016

Amended: February 18, 2016

Last Action: Set for hearing on April 13, 2016

Summary:

The Act requires every governmental agency to adopt and promulgate a conflict of interest code to include specific information. Current law, outside the Act, prohibits a faculty member or academic department from demanding anything of value, royalties, or other compensation from sales of course materials that include the instructor's writing or other work.

The bill requires the conflict of interest code of each public college and university to require instructors and employees to disclose any item of value, any royalties, or compensation the employee receives as a result of adopting course materials for coursework or instruction.

Although an employee would be required to file a Statement of Economic Interest (Form 700) and report disclose the financial interest, the disclosure would not result in disqualification.

Staff Update

The bill was set to be heard in Assembly Elections Committee, but was removed from the agenda by the author.

Other Political Reform Act Bills (#12-20)

12. AB 2070 (Harper): Local Enforcement for Orange County

FPPC Position: None currently

Status: Assembly Elections and Redistricting Committee

Fiscal Estimate: Not yet requested

Introduced: February 17, 2016

Last Action: Committee hearing cancelled by the author.

Summary:

Current law authorizes the Commission upon mutual agreement with the Board of Supervisors of the County of San Bernardino to have primary responsibility for administering and enforcing San Bernardino County's local campaign ordinance. This bill would authorize the Commission and the Board of Supervisors of Orange County to enter into a similar agreement. The bill contains an urgency clause. The FPPC also would be required to submit a report to the Legislature, in consultation with the County, on or before January 1, 2019.

According to the author, Orange County passed Measure E in 2014 that began the process of adopting campaign finance ordinances within the county and authorized the county to enter into a mutual agreement with the FPPC. In order to enter into an agreement, the Legislature must approve a bill authorizing the activity. The need for the urgency provision in the bill is unclear. If the county is anticipating entering a contract and implementing a program prior to the conclusion of the 2016 election, it is logistically unlikely that could be achieved in such a short timeframe. The author is withholding current action on this legislation until after the June Election where voters of Orange County will vote on a ballot measure to create a county ethics commission.

13. AB 2284 (Patterson): Use of surplus funds

FPPC Position: None currently

Status: Assembly Elections Committee

Fiscal Estimate: Not yet requested

Amended: April 6, 2016

Last Action: Failed in Committee (Ayes 2. Noes 3. Abs 2).

Summary:

This bill would prohibit a State Senator or Member of the Assembly who decides to resign from office before the expiration of his or her term from subsequently using campaign funds held in trust for any purpose other than paying outstanding campaign debts or reasonable expenses. The bill would amend the list of specified purposes allowable for the use of surplus campaign funds to include the payment of expenses to hold a special election to fill the vacancy created by the member's resignation and would require the former member to pay from his or her surplus campaign funds such election-related expenses, to the extent he or she has funds available to do so.

According to the author, when legislators resign prior to finishing their term, special elections cost counties funds needed for the programs. The author's intent is to require legislators who resign prior to the expiration of their term to offset or pay for the entire cost of the special election and any remaining funds can only be used for charitable contributions.

14. AB 2823 (Gatto): Statement of Economic Interests

FPPC Position: None currently

Status: Assembly Appropriations Committee, Suspense File

Fiscal Estimate: Substantial, but unknown, costs on this bill. If the bill is amended to include a delayed implementation date, the Commission estimates the fiscal impact to be \$215,327 for first year and \$204,327 ongoing.

Amended: March 31, 2016

Last Action: Approved in Assembly Elections Committee (Ayes 7, Noes 0). Referred to Assembly Appropriations Committee; further referred to Suspense File.

Summary:

This bill contains two major provisions: 1) increasing the threshold at which a public official has a disqualifying financial interest in sources of income, business investments, or real property; and 2) revising the dollar amounts associated with the value ranges for reporting the value of economic interests. These provisions were in a previous bill that was vetoed by the Governor (AB 10, Gatto, 2015).

Proposed Amendment

The author's office has confirmed that they will amend the bill to include a delayed implementation date to allow the successful launch of the Commission's Form 700 e-filing system. The Commission has been diligently working on the e-filing system, with oversight by the Department of Technology, on a strict timeline and firm budget. Without a delay in this bill, there is a high likelihood the launch date for e-filing would be delayed and increased costs will be incurred by the Commission. With the delayed implementation date, staff recommends remaining neutral on the bill.

15. AB 2840 (Lopez): Prohibition on Non-profit Travel

FPPC Position: None currently

Status: Assembly Elections Committee

Fiscal Estimate: Not yet requested
Introduced: February 19, 2016
Last Action: Failed passage (Ayes 0, Noes 5, Abs 2).

Summary:

This bill would prohibit a 501(c)(3) nonprofit organization from providing to a Member of the Legislature, and a Member of the Legislature from accepting, any payments, advances, or reimbursements for travel, as defined. This bill contains other related provisions and other existing laws.

According to the author: “Unfortunately special interest groups have hidden behind non-profits they have created in order to take legislators away to luxurious destinations to educate them on the issues facing Californians. Simple disclosure of such trips still allows for such groups to have greater influence with elected officials.”

16. ACA 9 (Gomez): Post-governmental Employment: Legislative Vacancies

FPPC Position: None currently
Status: Assembly Elections Committee
Fiscal Estimate: Not yet requested
Introduced: February 19, 2016
Last Action: Referred to Assembly Elections Committee (4/13/16)

Summary:

This constitutional amendment would revise the post-governmental employment restrictions of the Legislature to begin when the legislator resigns to one year after the date the legislator’s term was scheduled to expire.

The bill does not amend the Political Reform Act directly, but may require conforming changes to the Act if approved by the voters.

17. SB 976 (Vidak): Post-governmental Employment

FPPC Position: None currently
Status: Senate Appropriations Committee
Fiscal Estimate: \$53,254 first year, \$46,254 ongoing
Amended: March 17, 2016
Last Action: Approved in Senate Elections Committee with amendments (Ayes 5, Noes 0, Abs 0). Referred to Senate Appropriations Committee.

Summary

The Act prohibits former members of the Legislature from lobbying the Legislature for one year after leaving office. The Act also prohibits former state elected officers, other than a member of the Legislature, from lobbying any administrative agency for one year.

The bill would create two tiers of post-governmental employment restrictions for members of the Legislature and other state elected officials. The bill retains the one-year ban in the Act for members of the Legislature and state elected officials who finish their term. The bill further proposes that members of the Legislature and state elected officials who leave office prior to finishing their term would be subject to a two-year ban beginning on the date the resignation is effective.

18. SB 1011 (Mendoza): Public Officers: Contracts: Financial Interests

FPPC Position: None currently

Status: Assembly Elections Committee

Fiscal Estimate: Minor and absorbable

Amended: March 17, 2016

Last Action: Approved in the Senate (Ayes 38, Noes 0, Abs 2). Referred to Assembly Elections Committee (4/28/16),

Summary:

This bill would, on and after January 1, 2018, include within the definition of remote interest that of a public officer in the financial interest of the public officer's child, parent, sibling, or the spouse of the child, parent, or sibling, in a contract made by that public officer, where the interest is actually known to the public officer, and the officer knowingly or willfully fails to disclose those interests. The FPPC is charged with enforcing and advising on Government Code Section 1090.

SB 1011 is a revived version of SB 330 (Mendoza, 2015), with a more narrowed definition of the public officer's family member.

19. SB 1107 (Allen): Public Financing of Campaigns

FPPC Position: None currently

Status: Senate Appropriations Committee, Suspense File

Fiscal Estimate: \$166,531 first year, \$159,531 ongoing

Amended: March 28, 2016

Last Action: Approved in Senate Elections (Ayes 4, Noes 1, Abs 0). Referred to Senate Appropriations, sent to Suspense File.

Summary:

The Act prohibits a public officer from spending or receiving public funds for the purpose of seeking elective office. (Section 85300.) The Act's prohibition on public financing of campaigns now applies to all jurisdictions except charter cities.

This bill would allow a public officer to spend or receive funds for the purpose of seeking elective office if: 1) funds were authorized in a dedicated account; 2) funds were available to all candidates regardless of incumbency or political party; and 3) the government entity had established criteria for receiving funds by statute, resolution, or charter. This bill also includes language substantially similar to the provisions of AB 2250 (Ridley-Thomas),

providing the FPPC authority to enforce the law prohibiting foreign contributions. The bill proposes new restrictions on surplus funds for committees controlled by officeholders who have been permanently banned from seeking public office under Elections Code Section 20, as a result of their conviction for a felony involving bribery, extortion or perjury.

SB 1107 is a majority vote bill because it would call for an election and refer the legislation to a voter ballot. The author hopes to place this measure on the 2016 November Ballot.

20. SB 1251 (Moorlach): State Financial Obligations: Ballot Pamphlet

FPPC Position: None currently

Status: Senate Public Employment and Retirement Committee and Senate Governmental Organizations Committee

Fiscal Estimate: Not yet requested

Amended: March 31, 2016

Last Action: Failed passage (Ayes 2, Noes 3, Abs 0)

Summary:

This bill would amend the Political Reform Act's provisions related to the state ballot pamphlet to require the publication to include state financial obligations, as specified.

The Act contains several provisions related to the state ballot pamphlet. The changes to sections of the Act appear to be conforming changes with those made in the Election Code.

Spot bills not expected to affect the Political Reform Act

Bill authors have indicated to Commission staff that the following bills are placeholders for other legislation not related to the Political Reform Act.

21. AB 2044 (Harper): Committee Thresholds

22. SB 921 (Anderson): Campaign Statements