



Help achieve an open and accountable government

January 16, 2018

VIA EMAIL

Chair Remke and Commissioners
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Dear Chair Remke and Commissioners,

The California Clean Money Campaign greatly appreciates that the Commission requested that staff propose a third option for Regulation 18450.1 to address the concerns of Assemblymember Mullin as author of AB 249, us as sponsor of AB 249, and other stakeholders.

We believe that staff's initial draft for option 3 is a very good approach, leaving out quantities required for different kinds of communications to be considered "advertisements", because there is nothing in AB 249's definition in Section 84501(a) that refers to quantities required for them to be considered "advertisements".

Instead, this option appropriately leaves any quantity thresholds for advertisements to the government code sections that specify them. Specifically, Section 84305 says that mass mailings and mass electronic mailings paid for by a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall have certain disclosures, with Section 82041.5 defining that "mass mailing" means over two hundred substantially similar pieces of mail and Section 84305(e)(1) defining that "mass electronic mailing" means sending more than two hundred substantially similar pieces of electronic mail within a calendar month. Similarly, Section 84310 says that a candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization shall not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 or more in number.

Otherwise, the intent of AB 249 was that advertisements must include the defined disclosures of Sections 84504, 84504.1, 84504.2, 84504.3, and 84504.4 regardless of the quantity produced. Your Option 3 appropriately reflects these intents of AB 249.

Our only concern with your Option 3 as drafted is that because it lists specific types of advertisements (television, radio, and print media in 18450.1(a)(1) and electronic media advertisements in 18450.1(a)(2)) but not others, that it may unintentionally lead some to conclude that they are the only types of communications considered to be advertisements, when in fact advertisements are far broader.

The fix to this problem we believe is straightforward, i.e. inserting a 18450.1(a)(3) that says:

(3) Any other 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, except communications exempted in subdivision (a)(2) of Section 84501.

This language exactly mirrors the language of Section 84501(a). Including it will make clear that other types of general or public communications paid for by committees are also considered to be “advertisements”, appropriately referring them to Section 84501(a)(2) for exemptions. If the Commission would prefer to spell out the exemptions listed in Section 84501(a)(2) in this paragraph, that would also work.

Including a paragraph like that in your Option 3, would, we believe, prevent people from mistakenly assuming that types of communications not specifically listed in 18450.1 aren’t considered advertisements, and would make Option 3 fully reflect the intent of AB 249.

Thank you again for the opportunity to comment to ensure that the intent of AB 249 is fulfilled.

Sincerely,

A handwritten signature in blue ink that reads "Trent Lange". The signature is written in a cursive, flowing style.

Trent Lange, PhD.
President and Executive Director
California Clean Money Campaign