



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

The Honorable Kevin Mullin
California State Assembly
State Capitol, Room 3160
Sacramento, CA 95811

RE: Assembly Bill 2155 (as amended May 30) – Support if Amended

Dear Assembly Member Mullin,

At the May 17, 2018 meeting of the bipartisan Fair Political Practices Commission, the FPPC voted to take a Support If Amended position on Assembly Bill 2155, a bill that would amend the Political Reform Act.

AB 2155 would exclude additional types of communications from the definition of advertisement, including certain electronic media communications requested by the recipient, communications solicited by the recipient, or communications for which inclusion of disclosures would be impracticable or severely interfere with the committee's ability to convey the intended message, as determined by regulations of the Fair Political Practices Commission. The bill would make specified changes to the formatting requirements for disclosures included in advertisements that are disseminated as a video, print advertisements, and electronic media advertisements. The bill would exclude email messages from the disclosure and disclosure formatting requirements applicable to electronic media, except for requirements relating to the size, placement, and color of specified disclosures.

The Commission recommends Section 84501(a)(1)(H) be redrafted to express the Legislature's intent regarding quantity thresholds narrowly directed to issues or provisions related to advertising. The Commission believes current language in the May 30 version of AB 2155 is over-inclusive, capturing all quantity thresholds or potential thresholds throughout Chapter 4 of the Political Reform Act which could lead to unintended consequences. Chapter 4 includes Articles related to the organization of committees, filing of campaign statements, prohibitions, exemptions, and advertisements.

At the December 2017 and March 2018 Commission meetings, Trent Lange, president of the California Clean Money Campaign, raised concerns about the Commission adopting a threshold related to recently chaptered AB 249 (2017) related to advertising. The Commission urged Mr. Lange return to the Legislature to clarify the issue in statute or have the Legislature express its intent in legislation.

It is my understanding that Mr. Lange has been working with your office on AB 2155 to address the issues presented at the December 2017 and March 2018 Commission meetings. The

Commission continues to believe the Legislature could clearly express its intent related to AB 249 (2017) without capturing issues and topics in Chapter 4 that are unrelated to advertising.

For these reasons, the FPPC has a Support If Amended position on AB 2155 and look forward to working with you and your staff. If you have any questions, please contact me at (916) 322-7635 or pung@fppc.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Phillip U". The signature is written in a cursive style with a prominent underline for the letter "U".

Phillip R. Ung
Director, Legislation and External Affairs