



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **March 18, 2021**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **March 16, 2021**.

BACKGROUND/OVERVIEW:

This year, the California Secretary of State plans to implement a new version of CAL-ACCESS, an online system that, among other things, allows users to file campaign finance and lobbying disclosure reports. The new CAL-ACCESS will transition from the former forms-driven system to a data-driven system intended to be flexible, easier to use, and allow heightened transparency into campaign and lobbying activity.

In anticipation of the new CAL-ACCESS, the California Legislature passed Senate Bill 1239 and Assembly Bill 909, which take effect after the new CAL-ACCESS has been certified and implemented. The two bills amend the Political Reform Act (“the Act”) in accordance with the updated version of CAL-ACCESS. Among other amendments, SB 1239 amends the Act to require all state filers, state candidates, committees, and lobbyists to file their disclosures electronically. Other amendments include verification provisions related to electronic filing, removal of references to paper filing, and requiring that email addresses of filers be included in submitted reports. AB 909 amends two statutes for the purpose of ensuring campaign treasurers understand the responsibilities and liabilities under the Act.

Because of the various amendments made by SB 1239 and AB 909 that will soon go into effect, several of the FPPC’s regulations must be amended as well. In general, however, the necessary amendments are fairly minor updates intended to harmonize the regulations with the respective statutes they pertain to.

REGULATORY ACTION:

The Commission may review and consider all aspects of Regulations 18402.1, 18406, 18410, 18422.5, 18465, 18465.1, 18601, 18611, 18613, 18616, and 18616.4 as necessary for the implementation of the new CAL-ACCESS. While the Commission may review and consider any

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

aspect of the regulations noted above, it is anticipated that the Commission will specifically consider each of the following proposals made by Commission staff:

Amend 2 Cal. Code Regs. Section 18402.1, subdivision (a) to include requirement that committees disclose email addresses of principal officer(s) in statements of organization.

Amend 2 Cal. Code Regs. Section 18406, subdivision (b)(2) to include a requirement that short form campaign statements include the candidate's email address, as now required with general campaign statements under Section 84211.

Amend 2 Cal. Code Regs. Section 18410, subdivision (a)(4) to include requirement that the statement include the treasurer's email address, as well as acknowledgments by treasurer and assistant treasurer.

Repeal and Adopt 2 Cal. Code Regs. Section 18422.5 to harmonize with amended Cal. Gov. Section 84223 and include provisions related to the Secretary of State's duty to maintain/post top contributor lists, and specify that those lists will be generated, maintained, and displayed through the new CAL-ACCESS.

Amend 2 Cal. Code Regs. Section 18465, subdivision (b) to remove subdivision.

Repeal 2 Cal. Code Regs. Section 18465.1.

Amend 2 Cal. Code Regs. Section 18601, subdivision (b) to require that a Notice of Withdrawal be filed with the Secretary of State online/electronically.

Amend 2 Cal. Code Regs. Section 18611, subdivision (b)(1)(A) to provide that \$100+ contributions must also be reported if they are made to committees primarily formed to oppose officers/candidates.

Amend 2 Cal. Code Regs. Section 18613, subdivision (b)(2) to provide that \$100+ contributions must also be reported if they are made to committees primarily formed to oppose officers/candidates.

Amend 2 Cal. Code Regs. Section 18616, subdivisions (a)(5), (e) to provide that \$100+ contributions must also be reported if they are made to committees primarily formed to oppose officers/candidates.

Amend 2 Cal. Code Regs. Section 18616.4, subdivisions (a)(1), (b)(1)(A) to require that reports by lobbying coalitions include the email address of each member (in addition to the name and business address already required) and the email address of the lobbying coalition (in addition to name and business address) on reports filed by employers/firms that are a part of a lobbying coalition.

SCOPE: The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE: Sections 81004, 84102, 84211, 84223, 84605, 86100, 86114, 86113, 86116.

CONTACT: Any inquiries should be made to Kevin Cornwall, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.