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August 20, 2013

Via Hand Delivery

FPPC

428 J Street, Suite 620
Sacramento, CA 95814

Attn. Commission Secretary

Re: Agenda Item Request for 8/22/13 Commission Meeting

Dear Sir/Madam:

Enclosed please find correspondence dated today's date regarding opposition to AB 800; AB 45 which I request be associated with Item 49 on the Commission's August 22, 2013, meeting agenda.

If you have any questions or concerns, please contact me immediately. Thank you for your courtesy and cooperation.

Very truly yours,



CHARLES H. BELL, JR.

CHB/cfd

Enclosure as stated.

August 20, 2013

Senator Norma J. Torres, Chair
Senator Joel Anderson, Vice Chair
Senator Loni Hancock
Senator Alex Padilla
Senator Leland Y. Yee
Senate Elections and Constitutional Amendments Committee
State Capitol, Room 2203
Sacramento, CA 95814

Re: AB 800; AB 45 - OPPOSE

Dear Chairman Torres and Committee Members:

The undersigned California election and political law attorneys, who represent political parties, corporations, trade associations, labor organizations, lobbying groups and campaign donors, strongly oppose passage of AB 800 and AB 45, both of which permit the Fair Political Practices Commission (FPPC) to commence an audit of *any committee or person at any time for any or no reason, with no practical effective oversight.*

The FPPC already has sufficient power to investigate, but allowing this agency the power to engage in unlimited auditing of committees, particularly those in the midst of a current election campaign, is a great threat to the political process.

The unlimited power to audit carries with it great potential for abuse. Some believe the FPPC has engaged in fishing expedition investigations in the past, and nothing in these legislative bills would prevent future abuses.

In the current atmosphere where agencies such as the *Internal Revenue Service* are accused of targeting political groups because of their political beliefs, the Legislature should be extremely skeptical about giving the FPPC greater power. The agency has existed for nearly 40 years and has a record of enforcement actions that strongly suggest it has sufficient powers to carry out its functions mandated by the voters in 1974.

The FPPC currently has the power to investigate any person it has reason to believe has violated or is violating the Political Reform Act. If the FPPC believes any person is withholding information it has requested or subpoenaed, the agency can go to court to get an order to compel disclosure of records. That happened as recently as last week when the FPPC filed suit and forced the identification of the contributor to the referendum against the Sacramento Kings new stadium.

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The new audit powers the agency seeks in AB 800 and AB 45 tilt the balance against any person who is the potential target of an audit. Pre-election audits in the heat of a political campaign divert the attention of the target from campaigning, interfering with the exercise of first amendment speech rights. Such audits also chill associational rights.

The FPPC hasn't presented any evidence that it needs new powers. We urge you to vote NO on AB 800 and AB 45.

Very truly yours,



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