



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

To: Chair Ravel and Commissioners Eskovitz, Garrett, Montgomery, and Rotunda
From: Tara Stock, Legislative Coordinator
Subject: Legislative Report
Date: August 30, 2012

The deadline for each house to pass bills is August 31, 2012. The last day for the Governor to sign or veto bills is September 30, 2012.

Legislation Approved by the Legislature and Signed by the Governor
Effective January 1, 2013

AB 2452 (Ammiano), Chapter 126, Statutes of 2012

Campaign Statements – Electronic Filing for Local Agencies

This bill, with certain exceptions, authorizes a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements or reports to file online or electronically with a local filing officer. The bill prescribes criteria that must be satisfied by a local government agency in order to require electronic filing, including that the agency's system must be compatible with the Secretary of State's electronic filing system.

AB 2146 (Cook), Chapter 169, Statutes of 2012

Enforcement of San Bernardino County Campaign Ordinance

This bill, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, authorizes the Commission to have primary responsibility for the impartial, effective administration, implementation, and enforcement of the local campaign reform ordinance of the County of San Bernardino. The Commission is authorized to be the civil prosecutor of the ordinance and may investigate possible violations and bring administrative actions. Costs incurred by the Commission shall be reimbursed by the County.

Legislation Approved by the Legislature, Awaiting Governor's Signature

SB 1001 (Yee)

Lobbyist Registration Fees

This bill would require the Secretary of State to charge lobbying firms and lobbyist employers a fee of \$50 per year for each lobbyist required to be listed on its registration statement and would require the Secretary of State to charge each recipient committee a \$50 per year fee until the committee is terminated. The bill also establishes the Political Disclosure, Accountability, Transparency, and Access Fund in the State Treasury. One-

half of the fees collected from lobbyist registration and all of the fees collected from recipient committees would be deposited in the fund for purposes of the maintenance, repair, and improvement of the online disclosure program implemented by the Secretary of State.

Commission Position: Support (adopted at May 17, 2012 hearing)

AB 2220 (Gatto)

Ballot Pamphlets

This bill would require, except as specified, that if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide an increase in revenues to fund new or existing programs, create a new fund, or create or change a funding formula for one or more specified programs, that a specified paragraph, if applicable, be added at the end of the “yes” and “no” summary statement in the ballot pamphlet advising voters as to the effect of the initiative measure on state funding requirements.

Commission Position: None

AB 2191 (Norby)

County Central Committee Members

The bill would exempt an elected member of, or a candidate for election to, a county central committee of qualified political party who receives contributions of less than \$1,000 and who makes expenditures of less than \$1,000 in a calendar year from the requirements to file campaign statements. The bill would prohibit a local agency from imposing any filing requirements on such candidates and members and would prohibit a local jurisdiction from imposing any contribution limits or prohibitions on such candidates or members.

Commission Position: Neutral (adopted at April 5, 2012 hearing)

AB 2162 (Portantino)

Statements of Economic Interests (SEI) – Fair Market Value Ranges

This bill would revise the fair market value ranges on the Statement of Economic Interest (Form 700) to provide 8 options for investments and real property interests and 10 options for reporting “gross income received.”

Commission Position: Neutral (adopted at April 5, 2012 hearing)

AB 1509 (Hayashi)

Statements of Economic Interests (SEIs) – Local Agencies Posting Website Notification

This bill would require a city or county clerk who maintains a website to post a notification with specified information related to SEIs.

Commission Position: Support (adopted at April 5, 2012 hearing)

Pending Legislation – Positions Previously Adopted by Commission

AB 2691 (Assembly Elections)

Clean Up Bill

This bill repeals three provisions of the Act, which are now obsolete – 84604, 84609, and 84610.

Status: Senate Floor.

Commission Position: Support (adopted at April 5, 2012 hearing)

AB 2609 (Hueso)

Fish and Game Commission Members – Full Disclosure and Disqualification

This bill would add members of the Fish and Game Commission to the officials specified in Section 87200, which would subject the members to full disclosure and specified conflict of interest disqualification procedures.

Status: Senate Floor.

Commission Position: Support PRA provision only (adopted at May 17, 2012 hearing)

AB 2062 (Davis)

Statements of Economic Interests – Electronic Filing

This bill contains an urgency clause so, if approved, the provisions will be effective immediately. It would allow all filing officers to permit the electronic filing of SEIs upon system approval and certification from the Commission. In order to offset estimated costs to the Commission, the bill was amended to require each agency to submit a fee of \$1,000 with the proposed electronic filing system description.

Status: Senate Floor.

Commission Position: Support (adopted at April 5, 2012 hearing)

AB 1648 (Brownley)

Advertisement Disclosure

This bill was amended state that if the bill is passed by the Legislature and approved by the Governor, it shall be submitted to the voters for approval at the November 4, 2014, statewide general election. The proposal makes several significant changes to the advertisement disclosure rules.

Status: Senate Rules.

Commission Position: Neutral (adopted at April 5, 2012 hearing)

AB 481 (Gordon)

Independent Expenditures

This Commission sponsored bill amends the Act to include: 1) 24-hour reporting of independent expenditures made in the 90 days prior to an election (state and local); 2) Disclosure of the top two contributors of \$50,000 on *all* advertisements paid for by an independent expenditure; 3) Verification by the principal officer, or in the case of a controlled committee, the candidate or state measure proponent who controls the committee, that he/she has not received any unreported money or reimbursement to make the independent expenditures; and 4) Principal officer liability for violations of the Act.

Status: Senate Floor.

Commission Position: Support (adopted on legislative proposals at April 5, 2012, hearing)

AB 41 (Hill)

High Speed Rail Authority Members – Disqualification

This bill contains an urgency clause so, if approved, the provisions will be effective immediately.

The bill would add members of the High Speed Rail Authority to the officials specified in Section 87200 who are required to follow specified conflict of interest disqualification procedures.

Status: Senate Floor.

Commission Position: Support (adopted at February 11, 2011 hearing)

Pending Legislation – Not Included in Previous Legislative Report

SB 488 (Correa)

Slate Mailers

This bill provides that, if a slate mailer organization sends a mailer that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to that of a governmental agency, or of a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer organization would be required to obtain the express written consent of the agency or organization. In addition, if a slate mailer organization sends a mailer that identifies itself or its source material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the mailer would be required to disclose the total number of members in the

organization identified and the number of members working or living within the county in which the mailer is being delivered.

Status: Assembly in Conference; Senate in Conference. In September 2011, the Senate refused to concur in amendments made by the Assembly, but reconsideration was granted. On August 16, 2012, a conference committee released a proposed conference report, which must be adopted by both houses.

Commission Position: Neutral (adopted at February 17, 2011 hearing)

AB 1241 (Norby)

Government Code Section 84308 – Definition of Officer

This bill would exclude elected members of an agency from the definition of “officer” so that only appointed members of an agency would be subject to the provisions of Section 84308.

Status: Senate Floor. In September 2011, this bill failed passage in the Senate and was ordered to the inactive file, but reconsideration was granted. On August 20, 2012, the bill was pulled from the inactive file.

Commission Position: Neutral (adopted at June 9, 2011 hearing)

Inactive Legislation

SB 1553 (Lowenthal)

City of Long Beach – Pilot Program for Electronic Filing of Campaign Statements

This bill would have created a pilot program for the 2013 and 2014 reporting periods that authorizes the City of Long Beach to permit city elected officers, candidates, their controlled committees, committees formed primarily to support or oppose a city candidate or ballot measure, and city general purpose committees to file electronically.

Status: Assembly Appropriations Committee. Bill was not heard because it is no longer necessary due to the Governor’s approval of AB 2452 (Ammiano).

Commission Position: Support (adopted at May 17, 2012 hearing)

SB 1426 (Blakeslee)

Gifts from Lobbying Entities

This bill would have prohibited all lobbying entities (lobbyists, lobbying firms, and lobbyist employers) from giving to an elected state officer or a member of the officer’s immediate family, and prohibit an elected state officer from accepting, specified gifts.

Status: Assembly Appropriations Committee “suspense” file.

Commission Position: Oppose (adopted at May 17, 2012 hearing)

SB 1296 (Fuller)

Ballot Pamphlets

This bill would have required the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters.

Status: Failed passage in the Senate Committee on Elections, Reapportionment and Constitutional Amendments.

Commission Position: None

SB 31 (Correa)

Post-Employment Restrictions – Local Officials

This bill would have expanded the current one year post-employment restrictions to public officials serving as members of local governing boards or commissions with decisionmaking authority.

Status: Assembly Appropriations Committee “suspense” file.

Commission Position: Support if funded (adopted at April 5, 2012 hearing)

AB 2503 (Norby) – spot bill

Income

This bill in its current form makes nonsubstantive changes to the Act’s definition of “income.”

Status: Assembly

Commission Position: None

AB 2256 (Portantino)

California Legislature Whistleblower Protection Act

This bill would have enacted, and required the Commission to administer, the California Legislature Whistleblower Protection Act (LWPA).

Status: Failed passage in the Assembly Judiciary Committee.

Commission Position: Oppose (adopted at April 5, 2012 hearing)

AB 1881 (Donnelly)

Disclosure Threshold for Non-Candidate Controlled Committees

This bill would have prohibited a committee (not controlled by a candidate) from disclosing in a campaign statement the name and address of a person whose cumulative contributions to that committee were less than \$5,000.

Status: Failed passage in the Assembly Elections and Redistricting Committee.

Commission Position: Oppose (adopted at April 5, 2012 hearing)

AB 1730 (Olsen)

Legislative Transparency Act

This bill would have required a Member of the Legislature or a controlled committee of a Member to report within 24 hours a contribution of \$100 or more received within the seven days prior to specified legislative deadlines for a regular session of the Legislature.

Status: Failed passage in the Assembly Elections and Redistricting Committee.

Commission Position: Support PRA provision only (adopted at April 5, 2012 hearing)

AB 1146 (Norby)

Repeals Campaign Contribution Limits and Requires 24-Hour Reporting for Contributions and Expenditures of \$200 or More

If this bill would have passed, it would have been submitted to the voters for approval at a statewide election. The bill would have repealed limitations on contributions made to, or accepted by, candidates for elective state office. It would have also repealed the requirements for most existing campaign filing requirements and would have instead required 24-hour reporting of contributions and expenditures of \$200 or more.

Status: Failed passage in the Senate Committee on Elections, Reapportionment and Constitutional Amendments.

Commission Position: Oppose (adopted on substantially similar bill, AB 2239, at May 17, 2012 hearing)