



To: Chair Remke and Commissioners Audero, Casher, Wasserman, and Wynne

From: Erin V. Peth, Executive Director
Phillip Ung, Legislative and External Affairs Director

Subject: Update on Political Reform Act Revision Project and Request to Sponsor Implementing Legislation

Date: January 9, 2017

At the February 2016 Commission Meeting, staff discussed the general goals and timeframe of the project to revise the Political Reform Act. This memorandum summarizes the numerous activities that have taken place in the past year on this project. Staff requests that the Commission vote to “sponsor” implementing legislation.

Summary of Political Reform Act Revision Project

The overarching goal of the project is to streamline and simplify the Act without weakening disclosure or sacrificing accountability. Specifically, there are four main objectives of the Revision Project:

- (1) Improve compliance and reduce technical violations,
- (2) Encourage participation in the political process by reducing the complexities and costs of seeking office,
- (3) Increase public understanding of the law to promote trust in the system, and
- (4) Strengthen accountability of public officials and advance enforcement efforts.

The project will help increase participation in the political process, minimize the excuses of those who violate the Act and make our landmark law more accessible and current so that California can continue to be a leader in governmental ethics throughout the country.

The Process of Developing the Revised Act

The Commission partnered with the California Constitution Center at the University of California Berkeley School of Law and University of California Davis School of Law. Supported by leadership at both law schools and supervised by Professor David Carrillo of Berkeley, four students from each school undertook a comprehensive review of the Act and presented a draft to Commission staff. Commission staff then made additional edits to ensure decades of amendments to the Act are given clarity and continuity.

In August, we released the first draft for a 12-week public comment period. We received many comments and proposed edits, of all which were evaluated and carefully considered by

Commission staff. During this time, Professor Bryan Garner, a nationally-recognized legal writing expert, also reviewed the draft and made additional suggestions to further make the Act accessible to the ordinary reader. Once all of that work had been completed, the Commission staff released a second draft for public comment at the beginning of December.

Throughout the entire process of developing the draft, Commission staff worked with California Forward, another project partner, to educate and inform as many people as possible about this important project and to solicit as many comments as possible. In addition to a webinar that is posted on the FPPC website, three in-person public meetings were held throughout California to attract and encourage participation from academic experts, practitioners, other stakeholder groups, and the interested public. Additionally, these public meetings promoted transparency, inclusiveness, and efficient processes to build public, stakeholder, and legislative support for the proposed revisions to the law.

With the support of our partners and the valuable comments made by many stakeholders, the result is a final draft of the Act that:

- (1) Uses the simplest, most straightforward language to express ideas and minimize legalese,
- (2) Reorganizes the Act in order to have all related provisions in the same chapter with self-explanatory headings for each chapter, and
- (3) Incorporates limited, key provisions from regulations to provide further clarity to statutory obligations when it provides helpful guidance to the reader.

All the [PRA Revision materials](#), including [PRA Revision Draft 2](#), are on the FPPC's website.

The Legislative Process and Next Steps

Commission staff is reviewing and incorporating comments received during the second comment period. In the meantime, Commission staff has worked with the Legislature to submit the draft to the Office of Legislative Counsel to prepare a formal bill. We are also currently in discussions with the Legislature and other stakeholders to determine how best to ensure the bill's success. And, while the formal comment periods have concluded, Commission staff encourages stakeholders to submit comments at any time throughout the legislative session.

Staff Recommendation

To ratify the Commission staff's efforts in pursuing legislation and to further ensure the legislation's success, staff recommends the Commission adopt a "sponsor" position. This position will permit the Commission to have greater input in legislative decisions and strategy. It also demonstrates strong support for the bill and its goal to increase civic participation through improved accessibility of this important area of law.