



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Cardenas, Hatch, and Hayward

From: Dave Bainbridge, General Counsel, Legal Division
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Subject: Proposed “Cleanup” Amendments of Various Regulations

Date: June 3, 2019

Requested Action and Summary of Proposed Action

Staff presents “cleanup” amendments to Regulations 18117, 18215.1, 18215.3, 18217, 18219, 18225.4, 18225.7, 18238.5, 18308.1, 18308.3, 18404.1, 18466, 18531.61, 18535, 18741.1, and 18944 for adoption. Each of these regulations requires non-substantive amendment for the sake of correction and clarity, including changes such as correcting and updating cross-references, correcting spelling and grammar, employing alternative phrasing, and reorganization.

Discussion

Proposed “Cleanup” Amendments

Regulation 18117 pertains to the duties of filing officers and filing officials, and the effect of non-compliance on filing and disclosure obligations. Staff proposes updating a cross-reference from “Section 82015(b)(2)(B)(iii)” to “Section 84224.”

Regulations 18215.1 relates to campaign fund contribution aggregation, and provides that contributions directed and controlled by an individual are aggregated with contributions made by that individual (and any other contributions under the direction and control) of the individual. Staff proposes correcting a cross-reference to “section 18428” to “Regulation 18428,” given that Regulation 18200 specifies that references to “Section” are to the Government Code and references to “Regulation” are to FPPC’s regulations, contained in Division 6 of Title 2 of the California Code of Regulations.

Regulation 18215.3 relates to “behested payments” reporting. It currently provides definitions for when a payment is considered “made at the behest of” certain individuals. Staff proposes amending the regulation by: (1) removing a cross reference to repealed Regulation 18901(c)(2); (2) updating cross-references to Sections 82015(b)(2)(B)(iii) and (b)(3) to Sections 82004.5 and 84224 to reflect statutory renumbering; (3) removing superfluous cross references to renumbered Sections 82015(b)(2)(B)(iii) and (b)(3); and (4) making non-substantive, clarifying changes to phrasing.

Regulation 18217 explains under what circumstances a nonprofit organization is considered a controlled committee, along with additional provisions relating to nonprofits as controlled committees. Staff proposes amending the regulation by: (1) replacing the phrase, “Government Code section 82013(a)” with “Section 82013(a),” given Regulation 18200; and (2) replacing the word “and” with the intended word “an,” in the phrase, “[f]or purposes of this regulation, and organization is”

Regulation 18219 concerns the term “designated employee,” and what types of workers are considered designated employees. Staff proposes amending a cross reference from Regulation 18701(a)(2) to 18700.3(a) to reflect regulatory renumbering.

Regulation 18225.4 provides direction on when independent expenditures should be aggregated, along with definitions for terms relevant to the regulation. Staff proposes changing a cross reference from “Section 18225.4” to “Regulation 18225.4” and changing another cross reference from “Section 18428” to “Regulation 18428,” based on Regulation 18200.

Regulation 18225.7 pertains to the term “made at the behest of” and distinctions between independent and coordinated expenditures. Staff proposes amending the regulation by: (1) changing a cross reference from “Section 82015(b)(2)(B)” to “Section 84224” to reflect a statutory renumbering; (2) adding a cross reference to Section 82041.3 in subdivision (a)(2), given that the definition of “made at the behest” is now also contained in that statute; and (3) implementing non-substantive, clarifying changes in phrasing.

Regulation 18238.5 defines the terms “lobbying firm” and “individual contract lobbyist.” Staff proposes changing a cross reference from “Section 18239(d)” to “Regulation 18239(d),” based on Regulation 18200.

Regulations 18308.1 concerns the authority of the FPPC, and lays out the various roles that the Commission takes on, such as proposing, adopting, codifying, and monitoring policies for the FPPC. Staff proposes amending the regulation by adding hyphens to references to “the Bagley Keene Act” and changing a cross reference from “Section 18308.1” to “Regulation 18308.1,” based on Regulation 18200.

Regulation 18308.3 provides that the Commission delegates to the Executive Director responsibility for the operations and management of the agency in conformance with Commission-established policy, and lays out the various authorities entrusted in the Executive Director. Staff proposes changing a cross reference from “Section 18308.1” to “Regulation 18308.1,” based on Regulation 18200

Regulation 18404.1 relates to the termination and reopening of committees, including when committees must be terminated and under what circumstances they may be reopened. Staff proposes updating a cross reference from “Regulation 18531.61(d)” to “Regulation 18531.61(b)(3),” to reflect regulatory re-numbering.

Regulation 18466 involves state ballot measure contributions and expenditures, online reports, when reporting is applicable, the reporting threshold for committees supporting multiple state measures on the same ballot, as well as exceptions to Government Code section 84204.5.

Staff proposes removing the phrase “Government Code” from references to specific sections of the Government Code, based on Regulation 18200, and changing a cross reference from “Section 84204.5(b) or (c)” to “Section 84204.5(c) or (d),” to reflect statutory renumbering.

Regulation 18531.61 pertains to the treatment of debts outstanding after an election, including definitions for relevant terms, and provisions on how “net debts outstanding” are to be calculated. Staff proposes renumbering subdivisions (b)(3)(A) through (D)(ii) to subdivisions (b)(3)(A)(i)-(iv) and (b)(3)(B)(i)-(ii), and implementing non-substantive, clarifying changes to the language within those subdivisions.

Regulation 18535 concerns restrictions on contributions between state candidates, including the maximum contribution amount permitted under various circumstances. updating the stated contribution limit to its current limit and implementing non-substantive, clarifying changes to phrasing.

Regulation 18741.1 pertains to the “revolving door” provisions that public state administrative officials must follow after leaving state employment and seeking new employment outside of their former office. Staff proposes changing a cross reference from “Regulation 18702.1-18702.4” to “Regulation 18704,” to reflect regulatory renumbering.

Regulation 18944 includes provisions regarding payments made to an agency for use by agency officials, including general applicability and various definitions. Staff proposes changing a cross reference from “Regulation 18702.4(c)” to “Regulation 18704(d)(5),” to reflect regulatory renumbering.

Attachments:

- Proposed Amended Regulations