



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Commissioner Hatch, Chair, Law & Policy Committee

**From:** Phillip Ung, Director, Legislative and External Affairs

**Subject:** Legislative Report – April 2019

**Date:** April 19, 2019

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**Commission-sponsored Legislation**

Since the Commission's March meeting, four sponsored bills progressed substantially through the legislative process. AB 903 (minor and clarifying clean up) and AB 946 (Omnibus clean up) were both approved by the Assembly and sent to the Senate. AB 902 and AB 909 were placed on the Assembly Consent Calendar. Senate Bill 71 is waiting to be set for a hearing in Senate Appropriations Committee. Senate Bill 423 will be heard in Senate Elections Committee on April 23. Staff is proposing substantive amendments to SB 423 for Commission approval.

**Pending Legislation**

The Commission is current tracking 23 bills proposed to amend the Political Reform Act or Government Code 1090. The Commission has adopted active positions on 9 bills. Staff is proposing actions on 6 bills.

Legislation currently being tracked by Commission staff and other related documents can be found on the [Commission's Pending Legislation](#) page.

**Bills with Recommendations (#1-5)**

**1. [AB 201](#) (Cervantes): Campaign disclosure: mass text messages.**

Recommendation: *Support if amended*

Status: Assembly Appropriations Committee

Fiscal Impact: Minor and absorbable

Amended: March 14, 2019

Last Action: Approved in Asm. Elections Committee; referred to Asm. Appropriations (04/12/19)

**Summary:**

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and activities. The act defines "mass mailing" to mean over two hundred substantially similar pieces of mail, and defines "mass electronic mailing" to mean sending more than 200 substantially similar pieces of electronic mail within a calendar month. The act prohibits a candidate or committee from sending a mass mailing or mass electronic mailing unless certain information regarding the source of the mailing is shown in or on the mailing, as specified. The act also regulates political advertisements. The act requires electronic media advertisements,

other than email messages or internet websites, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, to comply with certain disclosure requirements.

This bill would require a candidate or committee to disclose the name of the candidate or committee in certain text message advertisements and provide a hyperlink in the text message to an internet website containing more information about the candidate or committee, as specified.

Staff Comments:

Assembly Member Cervantes agreed to amend AB 201 in response to recommendations from the Assembly Elections Committee analysis including defining the term “mass distribution technology.” Commission staff has not had an opportunity to review those amendments. However, based on the discussion in the Assembly Committee hearing, the author indicated it is not her intent to capture technologies such as Toskr’s “Relay” service. Commission staff believes amendments may be needed to ensure disclaimer requirements for services like “Relay” do not fall out of the Political Reform Act.

**2. [AB 864](#) (Mullin): Amendments to DISCLOSE Act**

Recommendation: *Support*

FPPC Position: *Support if Amended*

Fiscal Estimate: No costs to the Commission

Status: Assembly Appropriations Committee

Amended: April 11, 2019

Last Action: Approved in Assembly Elections Committee and amended; referred to Assembly Appropriations Committee (04/11/19)

Summary:

The bill makes various substantive and non-substantive changes to the DISCLOSE Act:

1. The bill would exempt from the definition of “mass electronic mailing” communications that were solicited by recipients.
2. Within the exemption of advertisement for an electronic media communication, the bill would require a customer who has opted in to receive communications from a provider of goods or services to provide express approval to receive political messages from that provider of goods or services in order for the communication to be an exempt.
3. Clarifies disclosure requirements for large print advertisements larger than those designed to be individually distributed.
4. Further defines “online platform disclosed advertisements” and other clarifying amendments to AB 2188 (2018) Social Media DISCLOSE Act.
5. Corrects conflict from AB 249 related to electronic media advertisements and the applicable disclosures for political party committee and candidates committees who pay for independent expenditures or advertisement supporting or opposing a ballot measure.

6. Other non-substantive conforming, clarifying, and cross-reference corrections in the Act.

Staff Comments:

The Commission adopted a “support if amended” position and directed staff to work with the bill’s author and principal supporter to address staff concerns with substantive policy proposals. At the April 10th Assembly Elections Committee hearing, Assembly Member Mullin agreed to remove all substantive policy changes from AB 864 and retain only the clarifying proposals developed by FPPC staff. Staff recommends the Commission position change from “support if amended” to “support.”

**3. [AB 1306](#) (Garcia): Misuse of public funds**

Recommendation: *Support*

Status: Assembly Appropriations Committee; hearing set for April 24, 2019

Fiscal Impact: \$657,201 first year, \$629,102 ongoing.

Amended: March 18, 2019

Last Action: Approved in Asm. Elections Committee; referred to Asm. Appropriations Committee (04/10/19)

Summary:

The Political Reform Act of 1974 establishes the Fair Political Practices Commission (FPPC) as the agency responsible for enforcing the act. The act generally prohibits a public officer from expending, and a candidate from accepting, public moneys for the purpose of seeking elective office. The act authorizes the Commission to seek and impose administrative and civil penalties against persons who violate the act, as prescribed.

This bill would amend the Political Reform Act of 1974 to prohibit any elected state or local officer, including any state or local appointee, employee, or consultant, from using or permitting others to use public resources for a campaign activity. The bill would authorize the FPPC to impose an administrative or civil penalty against a person for a misuse of public resources for campaign activity, not to exceed \$1,000 for each day on which a violation occurs, plus three times the value of the unlawful use of public resources.

Staff Comments:

Assembly Member Garcia authored AB 1306 in response to the Commission’s request sent in February 2019.

Commission staff has provided technical assistance to Assembly Member Garcia’s office, including background information, answered technical questions, and appeared before the Asm. Elections Committee at the invitation of the Assembly Member to answer any technical questions.

The Asm. Elections Committee raised three issues with the current version of AB 1306:

1. Whether the Commission should be able to levy treble damages through its administrative process.

2. Whether there is sufficient clarity in the law as to what is and is not permissible content for public agencies to communicate.
3. Are there other alternatives to addressing insufficient enforcement other than duplicating statutes in another body of law?

Commission staff believes the issues raised by the Asm. Elections Committee can be resolved, but staff is limited in its ability to communicate/advocate on the bill. Staff recommends the Commission support the bill and authorize staff to work closely with the Assembly Member's office on resolving potential roadblocks to approval.

AB 1306 would require the Commission to increase staff in Legal Division and Enforcement Division: two Senior Commission Counsel, one Commission Counsel, and one Special Investigator.

**4. [SB 300 \(Umberg\): Political Reform Act; Ballot Measures](#)**

Recommendation: *Support*

Status: Senate Elections Committee; hearing set for April 23, 2019

Amended: March 20, 2019

Last Action: Referred to Senate Elections Committee; set for hearing (03/21/19)

Summary:

The Political Reform Act of 1974 prohibits a foreign government or a foreign principal, as defined, from making any contribution, expenditure, or independent expenditure in connection with the qualification or support of, or opposition to, a state or local ballot measure. The act prohibits a person or committee from soliciting or accepting a contribution from a foreign government or foreign principal for the same purposes. The Act makes a violation of these prohibitions a misdemeanor, punishable by a fine equal to the amount contributed or expended.

This bill would expand these prohibitions to include contributions, expenditures, or independent expenditures in connection with the qualification or support, or opposition to, a state or local candidate. The act would change the fine to an amount up to the greater of \$10,000 or 3 times the amount contributed or expended.

Staff Comments:

In 2016, the Commission supported nearly identical legislation ([AB 2250 – Ridley-Thomas](#)) to address the potential gap in the Political Reform Act related to foreign contributions to state and local candidates. The Federal Election Campaign Act generally prohibits foreign nationals from directly or indirectly donating or spending money in connection with *any* U.S. election. This federal law is one of the issues being litigated in the 9th Circuit Court of Appeals in [USA v. Ravneet Singh](#) on whether Congress has the authority to prohibit foreign contributions in state and local elections. SB 300 may provide a backstop to this important policy in the scenario the Court rules against the federal government. Commission staff recommends a “support” position.

**5. [SB 423 \(Umberg\): Committee Bank Accounts](#)**

FPPC Position: *Sponsor*

Status: Senate Elections Committee; hearing set for April 23, 2019

Amended: April 9, 2019

Last Action: Amended, referred to Senate Elections Committee (04/09/19)

Summary:

This bill would expand the bank account requirement to include all recipient committees, as defined in [subdivision \(a\) of §82013](#). This would mean all contributions (§82015) received by the committee would have to be deposited in the designated account, and all expenditures (§82025) made by the committee would have to be drawn from the designated account. This bill would also permit a committee to redact its bank account number on the copy of the committee's statement of organization filed with local filing officers. The bill permits the Secretary of State to redact bank account numbers on statement of organization disclosed in any form.

Staff Comments:

Staff received inquiries from interested persons regarding the intent and effects of SB 423 on existing committee practices, specifically political party committees. As a result of constructive conversations with interested persons, staff is presenting substantive amendments to SB 423 to make clear that political party committees and general purpose committees may create additional campaign contribution accounts consistent with Section 85303 and also to codify substantial portions of Regulation 18534 dealing with "restricted" and "all purpose" accounts. The proposed amendments will also make clear that it is not the Commission's intent to limit committees to exclusively one account. Rather the intent is for committees to have a segregated account separating campaign- and non-campaign-related funds.

**Bills with Active Positions (#6-14)**

**6. [AB 220 \(Bonta\): Campaign funds: childcare costs.](#)**

FPPC Position: *Support if Amended*

Status: Assembly Elections Committee; hearing May 1, 2019

Introduced: January 16, 2019

Last Action: Referred to Assembly Elections Committee (02/04/19).

Summary:

The Political Reform Act prohibits the use of campaign funds to pay for professional services not directly related to a political, legislative, or governmental purpose. The Commission has previously advised that expenses incurred by a candidate in providing a baby-sitter for his or her children are reasonably related to a political purpose, but not directly related. (*Mahoney* Advice Letter, No. A-94-285.) As such, we advised that campaign fund expenditures on baby-sitting services are permissible if there is no substantial benefit to the candidate. In other words, if each baby-sitting payment is less than \$200 per event, the campaign fund expenditure is permissible.

This bill would authorize the use of campaign funds to pay for child care expenses resulting from a candidate or officeholder engaging in campaign activities or performing official duties.

Staff Comments:

Commission staff had productive discussions with Assembly Member Bonta's office about amendments to further clarify permissible childcare-related expenses.

**7. [AB 322](#) (Gallagher): Electronic filing**

FPPC Position: *Support if Amended*

Status: Assembly Appropriations Committee

Fiscal Impact: Minor and absorbable to the Commission

Introduced: March 20, 2019

Last Action: Referred to Assembly Appropriations Committee Suspense File (04/03/19)

Summary:

Would require a local government agency to post on its internet website a copy of any specified statement, report, or other document filed with that agency in paper format. This bill would require that the statement, report, or other document be made available for four years from the date of the election associated with the filing. By imposing a new duty on local government agencies, this bill would impose a state-mandated local program.

Staff Comments:

The Commission's position and recommended amendments were communicated to Assembly Member Gallagher's office. To date, we have not heard any feedback from Mr. Gallagher's office about this specific bill. The bill is currently in the Asm. Appropriation Committee suspense file due to substantial state-mandated local costs.

**8. [AB 902](#) (Levine): Codify Commission Regulation.**

FPPC Position: *Sponsor*

Status: Assembly Floor – Consent Calendar

Amended: April 1, 2019

Last Action: Approved in Asm. Appropriations Committee Consent Calendar; referred to Assembly Floor Consent (04/11/19)

Summary:

The Political Reform Act authorizes the Commission to adopt, amend, or rescind regulations to carry out the purposes and provisions of the Act and to govern the procedures of the Commission. Long-standing and generally accepted regulations become essential to proper administration of the Political Reform Act. There are several regulations the Commission staff has identified as being long-standing, non-controversial, and essential to complying the Act.

**10. [AB 903](#) (Levine): Minor and Clarifying Amendments to Political Reform Act.**

FPPC Position: *Sponsor*

Status: Senate Desk

Amended: March 28, 2019

Last Action: Approved by Assembly; referred to Senate (04/11/19)

Summary:

This bill would clarify that communications paid for with public moneys by a state or local government agency, under certain conditions, are considered expenditures, as specified, and not included in the exception described above. Clarify the language in Section 84200.5 to eliminate confusing language leading to multiple potential interpretations. Clarify the disclosure of income from a gift or business entity include the street address of each source or entity.

**11. [AB 909](#) (Gallagher): Treasurer Signature**

FPPC Position: *Sponsor*

Status: Assembly Floor Consent Calendar

Amended: April 2, 2019

Last Action: Approved in Assembly Appropriations Committee Consent Calendar; referred to Assembly Floor Consent Calendar (04/10/19)

Summary:

This bill requires a treasurer or assistant treasurer identified on the Statement of Organization to sign a separate statement acknowledging that the person must comply with duties imposed by the Act and regulations and that violation of those duties could result in criminal, civil, or administrative penalties. Requires the Statement of Acknowledgment be filed with the Secretary of State at the same time as the Statement of Organization or an amendment identifying a new treasurer or assistant treasurer. This bill will become operative on July 1, 2020.

**12. [AB 946](#) (Assembly Elections Committee): Omnibus Non-substantive**

FPPC Position: *Sponsor*

Status: Senate Desk

Last Action: Approved by Assembly on Consent Calendar; referred to Senate (04/04/19)

Summary:

This bill is the Commission's housekeeping bill repealing expired provisions of the Act no longer applicable or antiquated.



**14. [AB 1043](#) (Irwin): Use of Campaign Funds; cybersecurity**

FPPC Position: *Support*

Status: Assembly Privacy and Consumer Protection Committee

Introduced: February 22, 2019

Last Action: Approved in Asm. Elections Committee; referred to Asm. Privacy Committee (03/27/19)

Summary:

The Political Reform Act generally prohibits the use of campaign funds for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment if the lessee or sub lessor is, or the legal title resides in, a specified individual, such as a candidate, elected officer, or a member of the candidate or officer's immediate family. Notwithstanding that prohibition, existing law authorizes the use of campaign funds to pay or reimburse the state for the costs of installing and monitoring an electronic security system in a candidate or elected officer's home or office.

This bill would authorize the expenditure of campaign funds to pay for, or reimburse the state for, the installation and monitoring of hardware, software, and services related to the cybersecurity of the electronic devices of a candidate, elected officer, or campaign worker. The bill would require a candidate or elected officer to report any expenditure of campaign funds for these purposes to the Fair Political Practices Commission in the candidate or elected officer's campaign statements.

**15. [SB 71](#) (Leyva): Campaign expenditure limitations: harassment and discrimination**

FPPC Position: *Sponsor*

Status: Senate Appropriations Committee

Fiscal Estimate: Minor and absorbable

Introduced: January 9, 2019

Last Action: Approved by Senate Elections Committee; referred to Senate Appropriations Committee (03/19/19)

Summary:

The Political Reform Act of 1974 authorizes certain candidates and elective officers to establish a separate legal defense fund campaign account to defray attorney's fees and other related legal costs incurred in the defense of the candidate or elective officer who is subject to one or more civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officers' governmental activities and duties, as specified.

This bill would prohibit the expenditure of funds in a campaign committee account or legal defense fund account to pay or reimburse a candidate or elected officer for attorney's fees or other legal costs in connection with claims of unlawful practices made pursuant to California Fair Employment and Housing Act. This would include expenses for filing a claim, defending a claim, and payment of a penalty or settlement related to a claim.



At the March 2018 meeting, the Commission rescinded the [Mendoza Advice Letter A-18-009](#). The letter concluded then-Senator Tony Mendoza may establish a legal defense fund to defray attorney's fees related to a claim of wrongful termination, proceedings related to Senate Resolution 69 (2018), and a subsequent civil proceeding should one be filed. The letter had also stated Mr. Mendoza may use campaign and legal defense funds to defend himself from claims of sexual harassment that arose directly out of his activities, duties, or status as a candidate or elected officer.

**16. [SB 401](#) (Bates): Candidate Controlled Ballot Measure Committee; contribution limits**

FPPC Position: *Oppose unless Amended*

Status: Senate Elections Committee; hearing set for April 23, 2019

Introduced: February 20, 2019

Last Action: Set for hearing in Senate Elections Committee (03/29/19)

Summary:

The Political Reform Act imposes a contribution limit of \$4,700 on contributions made to, and received by, candidates for elective state offices that are not statewide elective offices. The Act does not limit the amount of contributions that a person may make to a committee that is primarily formed to support or oppose one or more ballot measures. The act prohibits a candidate for elective state office or a committee controlled by that candidate from contributing to another candidate for elective state office in excess of the contribution limit for elective state offices.

This bill would prohibit a person from contributing to a primarily formed candidate controlled ballot measure committee more than the contribution limit imposed on candidates for elective state offices. The bill would prohibit a candidate for any elective office, or the candidate's controlled committees, from making a contribution to another candidate for elective office or a committee controlled by a candidate that is primarily formed to support or oppose one or more ballot measures in excess of the contribution limit established for candidates for elective state office. This bill would prohibit a committee controlled by a candidate for elective office that is primarily formed to support or oppose one or more ballot measures from expending campaign funds to make a contribution or other transfer of campaign funds to a committee for a purpose other than supporting or opposing a ballot measure that the controlled committee was primarily formed to support or oppose.

Staff Comments:

Staff communicated the Commission's opposition to SB 401 and provided technical assistance to Senator Bates' office.

## **Political Reform Act Bills (#15-20)**

### **17. [AB 571](#) (Mullin): Contribution Limits.**

Status: Assembly Appropriations Committee; hearing April 24, 2019

Fiscal Estimate: \$920,023 first year, \$878,023 ongoing.

Amended: April 2, 2019

Last Action: Approved in Asm. Elections Committee, referred to Asm. Appropriations  
(04/10/19)

#### **Summary:**

The Act contains contribution limits and other restrictions related to contribution limits for state office and statewide offices. The Act specifies nothing in the law prevents the Legislature or local agency from adopting additional requirements, and nothing nullifies contribution limitations or prohibitions in local jurisdictions. All ordinances or other provisions adopted by local governments must be filed with the Commission.

The bill would establish a state-mandated contribution limit on city and county jurisdictions, which the Commission would be required to regulate and enforce. The state-mandated contribution limit is equal to the limits of state legislative candidates and would be adjusted for cost-of-living. Jurisdictions that adopt their own limit or have already established a limit would not be subject to the state limit established by this bill. This bill will become operative January 1, 2021.

#### **Staff Comments**

To adequately implement and enforce a statewide default contribution limit, the Commission would need to add 2 Political Reform Consultants II, 2 Senior Commission Counsel, 1 Special Investigator, and 1 Program Specialist II.

### **18. [AB 626](#) (Quirk-Silva): Conflicts of Interest; Government Code 1090**

Status: Assembly Appropriations Committee

Fiscal Impact: Minor and absorbable

Amended: March 21, 2019

Last Action: Approved in Asm. Elections Committee; referred to Asm. Appropriations  
Committee (04/10/19)

#### **Summary:**

Existing law prohibits members of the Legislature, and state, county, district, judicial district, and city officers or employees, from being financially interested in a contract, as specified, made by them in their official capacity or by any body or board of which they are members, subject to specified exceptions. Existing law prohibits an officer or employee from being deemed to have an interest in a contract if the person's interest is one of certain types.

This bill prohibits an officer or employee from being deemed interested in a contract, as described above, if the interest is that of an engineer, geologist, architect, land surveyor, or planner, performing specified services on a project, including preliminary design and

preconstruction services, when proposing to perform services on a subsequent portion or phase of the project.

Staff Comments:

Staff has provided technical assistance to the sponsors of AB 626, the American Council of Engineering Companies.

**19. AB 1217 (Mullin): DISCLOSE Act – Issue and Electioneering Ads**

Status: Assembly Elections Committee; hearing set for April 25, 2019

Amended: April 3, 2019

Last Action: Amended; set for hearing in Asm. Elections Committee

Summary:

The Political Reform Act requires specified disclosures in advertisements regarding the source of the advertisement. The Act defines “advertisement” for these purposes to mean a general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures. The Act also requires certain advertisements paid for by certain committees to disclose the names of the top contributors, which is defined for these purposes to mean the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more.

This bill does the following:

1. Amends the definition of “contribution” to include when a “payment is made for political purposes” as specified, including an electioneering communication.
2. Amends the definition of “expenditure” to include an electioneering communication.
3. Adds the definition of “lobbying-available donation” to mean a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except if full and adequate consideration is received or if it is clear from the circumstances the payment is not made for lobbying purposes. Describes what is and is not a “lobbying-available donation.”
4. Amends the definition of “advertisement” to include “electioneering communication,” “issue advocacy advertisement,” “major advertiser,” and “top funders.” The bill further defines the respective terms. Also, defines “nondonor funds,” “small donor funds,” and “lobbying donor.”
5. Would adopt disclaimer requirements of “major advertisers” and “top funders” of an issue advocacy advertisement totaling \$50,000 or more in a calendar year and require disclosure of three highest lobbying-available donations of \$10,000 or more, as specified.

Staff Comments

Assembly Bill 1217 would adopt disclaimer requirements for advertisements defined as “electioneering” and “issue advertisements.” This ambitious bill suffers from structural deficiencies that would make interpretation, administration, and enforcement difficult. Some of the deficiencies include:

1. The provisions of these non-campaign related communications are being added to the Chapter and Article of the Act previously exclusive to campaign advertisements. Inserting unrelated, non-campaign terms and requirements into the campaign advertising sections will severely complicate portions of the Act already filled with complexity.
2. Enforcing the provisions of this bill would require resource-heavy investigations of issue and electioneering ads because there would be no corresponding disclosures filed with filing officers showing contributions and expenditures.
3. Establishes pre-election timing thresholds (60 days before a general or special election, 30 days before a primary election) that are substantively different than current electioneering requirements under Section 85310 (within 45 days of any election).
4. There are no disclosure requirements for

In addition to potential policy and structural issues, Commission staff believes this bill could lead to litigation.

**20. [AB 1245](#) (Low): Contribution prohibition; business entities**

Status: Asm. Elections Committee; hearing set for April 25, 2019

Amended: April 9, 2019

Last Action: Amended, referred to Asm. Elections Committee; set for hearing (04/11/19)

Summary:

This bill would prohibit a business entity from contributing to a candidate for state elective office and for candidate for state elective office from accepting a contribution from a business entity.

Staff Comments

This bill consists of two sentences, yet proposes a policy that would require significant regulations and interpretation by the Commission. At the time of this writing, the author has not produced a fact sheet describing his intent, so many questions remain regarding the scope and effect this policy could have if enacted.

**21. [AB 1574](#) (Mullin): Lobbying Reports; Monthly Filing**

Status: Assembly Appropriations Committee; hearing set for April 24, 2019

Fiscal Impact: \$252,741 first year, \$238,741 ongoing

Amended: April 11, 2019

Last Action: Amended, referred to Asm. Appropriations Committee (04/11/19)

Summary:

The Political Reform Act requires lobbyists employed by a lobbyist employer or a lobbying firm to provide a periodic report of the lobbyist's activity expenses and contributions to the employer or firm within 2 weeks following the end of each quarter. The act requires lobbying firms, lobbyist employers, and persons who make payments to influence legislative or administrative action of \$5,000 or more in value in any calendar quarter to file with the Secretary of State, during the month after the end of each calendar quarter of a biennial legislative session, reports regarding lobbying expenditures made during the calendar quarter.

This bill would instead require lobbying reports to be filed monthly. This bill will become operate January 1, 2021.

Staff Comments:

To adequately implement AB 1574, the Commission would need two additional Political Reform Consultants II.

**22. [AB 1752](#) (Kalra): Committee registration fee; penalty**

Status: Assembly Elections Committee; hearing set for May 1, 2019

Amended: March 21, 2019

Last Action: Referred to the Asm. Elections Committee (03/25/19)

Summary:

This bill prohibits the Commission from administering any other penalty for violation of the \$50 committee registration fee outside of the \$150 penalty in statute.

**Bills Unlikely to Progress Further in 2019 (#21-23)**

**23. [AB 225](#) (Brough): Campaign funds: childcare costs.**

FPPC Position: *Support if Amended*

Status: Assembly Elections Committee

Introduced: January 16, 2019

Last Action: Referred to Assembly Elections Committee (02/04/19)

Summary:

The Political Reform Act prohibits the use of campaign funds to pay for professional services not directly related to a political, legislative, or governmental purpose. The Commission has previously advised that expenses incurred by a candidate in providing a baby-sitter for his or her children are reasonably related to a political purpose, but not directly related. (*Mahoney Advice*

Letter, No. A-94-285.) As such, we advised that campaign fund expenditures on baby-sitting services are permissible if there is no substantial benefit to the candidate. In other words, if each baby-sitting payment is less than \$200 per event, the campaign fund expenditure is permissible.

This bill would provide that campaign funds may be used to pay for child care provided for a candidate's dependent child if the costs are incurred as a direct result of campaign activity.

Staff Comments:

Assembly Member Brough has signed on as a co-author to Assembly Members Bonta's AB 220.

**24. [AB 359](#) (Melendez): Revolving door prohibition; Members of the Legislature**

Status: Assembly Elections Committee

Introduced: February 4, 2019

Last Action: Heard in Asm. Elections Committee; held without recommendation (04/10/19)

Summary:

The Political Reform Act of 1974 prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making appearances before, or communications with, the Legislature or its committees, Members, or officers or employees, if the appearance or communication is made for the purpose of influencing legislative action. If the Member resigns from office, this prohibition applies from the effective date of the resignation until one year after the adjournment sine die of the session in which the resignation occurred.

This bill would extend the time periods for these prohibitions for a Member of the Legislature to 5 years.

**25. [AB 1141](#) (Melendez): Misuse of public funds**

Status: Asm. Elections Committee

Amended: March 26, 2019

Last Action: Set for first hearing; hearing cancelled at the request of the author

Summary:

This bill would amend the Political Reform Act of 1974 to prohibit any elected state or local officer, including any state or local appointee, employee, consultant, or agency, from using or permitting others to use public resources for a campaign activity. The bill would authorize the FPPC to impose an administrative or civil penalty against a person for a misuse of public resources for campaign activity, not to exceed \$1,000 for each day on which a violation occurs, plus 3 times the value of the unlawful use of public resources.

Staff Comments

Assembly Member Melendez has signed on as a joint author to AB 1306 (Garcia).