

Meeting Minutes
Fair Political Practices Commission
Law and Policy Committee Meeting
June 8, 2023
10:00 am

The Law and Policy Committee meeting was called to order at 10:20 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of May 9, 2023, minutes.**

MOTION: To approve May 9, 2023, Committee minutes. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Proposed Repeal, Adoption, and Amendment of Levine Act Regulations (18438-18438.8, 18705)**

Kevin Cornwall, Senior Commission Counsel, presented the adoption and amendments to Levine Act Regulations 18438 - 18438.8 and 18705. Commissioner Baker asked about 18438.2 regarding the language “competitive bid contract” and why it is necessary to specify to disclose the bid by law. Mr. Cornwall clarified that 18438 does not define the phrase “competitive bid contract,” but the term has a generally accepted meaning under both California case law and other statutes. Commissioner Baker asked for clarification on option 3 of Regulation 18438.2 regarding how parties and participants would refrain from making contributions to an officer, but officers would not be at risk of violating Section 84308 by accepting the contribution. Mr. Cornwall clarified that the intent of Option 3 is for the parties and participants to be in the best position to know whether a proceeding is going to reach an official whereas an officer may not know about the proceeding at the time of the contribution. The contributions cannot exceed the limited amount of \$250 and each time an excessive contribution is made, this will violate the Levine Act resulting in a fine to the parties or participants. Once the officer is aware of the contribution, the officer will need to return it to take part in the proceeding or recuse themselves. Commissioner Baker asked about

volunteering parties representing people with financial interests and how the Levine Act would apply to this case. Mr. Cornwall clarified that when a volunteer speaks on behalf of a party and it has a financial interest, the volunteer could possibly be considered a participant under the regulations. If the volunteer does not get paid and does not have a financial interest, the regulations will not apply to them. Commissioner Baker asked about 18438.4, line 17, in a situation where a participant or party will use resources to protest a vote, would that be considered lobbying or trying to influence? Mr. Cornwall clarified that communications made to the public, other than those made in the proceedings before the agency are not intended to be included in the regulation. Chair Miadich asked for clarification regarding the CA Common Cause comment letter recommending Regulation 18438.6 be amended to specify it applies if “any” and “not all” of the criteria apply. Mr. Cornwall explained that the regulation already includes the requested language.

MOTION: To approve Option 3, in Regulation 18438.2. Moved by Chair Miadich, Seconded Commissioner Baker. The motion was approved 2-0.

MOTION: To approve Option 1 and 2, in Regulation 18438.7. Moved by Chair Miadich, Seconded Commissioner Baker. The motion was approved 2-0.

4. Legislature Update.

Lindsey Nakano, Senior Legislative Counsel, presented updates on PRA bills, including 3 Commission-initiated bills. SB 888, AB 83, and SB 858 will not move forward. Chair Miadich asked to clarify AB 37 regarding security equipment and the timeline for such reimbursement once the candidate leaves office. Commissioner Baker agreed with Chair Miadich to come to a resolution with the author.

MOTION: To approve support position for AB 334. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

5. Discussion of items for the next Committee meeting. Commissioner Baker would like a future discussion of possible legislation for next year, including some aspects of the committee bill that failed in appropriations.

MOTION: To adjourn the meeting. Moved by Chair Miadich, seconded by Commissioner Baker. The motion was approved 2-0.

The meeting adjourned at 11:00 a.m.