



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

Third Quarter Update

Campaign Reporting and Advertising Disclosure

Regulations adopted by the Commission.

The following are regulatory changes approved by the Commission during the past quarter concerning campaign reporting or advertising disclosure. To receive updates for all regulations before the Commission, please sign up for our [mailing list here](#).

None.

Advice Letters

The following are advice letters issued by the Commission's Legal Division during the past quarter concerning questions about campaign reporting or advertising disclosure. To receive the monthly report with all advice letters issued, please sign up for our [mailing list here](#).

Campaign

Marissa Russell

[A-24-056](#)

A transfer of a candidate's campaign funds from his campaign bank account to purchase Treasury bills from the U.S. Department of Treasury, through a TreasuryDirect account, as an investment is not permissible under Regulation 18524, because Treasury bills are a type of security, TreasuryDirect is not a financial institution located in the state, and the transfer may interfere with the audit trail.

Elaine Tran

[A-24-082](#)

In connection with a July 23, 2024, special recall election in the City of Millbrae, committees may use a filing schedule that combines the semi-annual campaign statement with the second pre-election statement. The combined statement will be due on July 11, 2024, covering the period June 9, 2024, through July 6, 2024.

Ryan Abusaa

[I-24-075](#)

To the extent a committee provides versions of its window signs and other campaign materials for free public download off the Internet, and there is no coordination between the committee and the individual, a small-scale printing by an individual solely for the individual's own use will not constitute an in-kind contribution to the committee or an independent expenditure. However, printing by an individual coordinated with the committee would generally be categorized as an in-kind contribution, and an uncoordinated printing that exceeds the individual's personal use could constitute an independent expenditure, depending on the nature of the communication.

Peter Bagatelos

[A-24-080](#)

The legislative history of Section 85320 indicates that the Legislature did not intend the statute to prohibit H-1B visa holders residing in the United States from contributing to ballot measure committees. As introduced as SB 109, the proposed statutory language would have applied to both "foreign principals" and "foreign nationals"—a group defined to include all non-U.S.

citizens and non-permanent residents. However, that language was subsequently amended to remove reference to “foreign nationals,” signaling a legislative intent for a less restrictive standard that applies only to those who qualify as “foreign principals.”

Section 84308

Sean Mill

[A-24-083](#)

An attorney hired solely for representation in the trial aspect of litigation involving the attorney’s client and a government agency who is not authorized to engage in settlement negotiations with a government agency on behalf of the client does not qualify as the client’s “agent” in the settlement negotiations for purposes of Section 84308. Consequently, a city councilmember who has received a contribution greater than \$250 from the attorney within the preceding 12 months would not be disqualified from taking part in settlement decisions on behalf of the city.

Commission Opinions

None.

Enforcement Matters

The following are summaries of significant enforcement actions approved by the Commission in the past quarter involving violations of the Act’s campaign reporting and advertising disclosure provisions. To receive a monthly report of all enforcement actions, please sign up for our [mailing list here](#).

Campaign Bank Account

In the Matter of Ramos for City Council 2018, Committee to Elect Daniel Ramos Adelanto City Council 2020, Daniel Ramos, Arley Arsineda; FPPC No. 19/464. Staff: Alex Rose, Senior Commission Counsel and Ann Flaherty, Special Investigator. Daniel Ramos was an unsuccessful candidate for the Victorville City Council in the November 6, 2018 General Election and a successful candidate for the Adelanto City Council, in the November 3, 2020 General Election. Ramos for City Council 2018 (the “Victorville Committee”) and Committee to Elect Daniel Ramos Adelanto City Council 2020 (the “Adelanto Committee”) are Daniel Ramos’ candidate-controlled committees. Arsineda served as the Adelanto Committee’s treasurer. The Committees, Daniel Ramos, and Arsineda failed to timely file a Statement of Organization, in violation of Government Code Section 84103 (1 count); sixteen semi-annual campaign statements, in violation of Government Code Section 84200 (8 counts), and four pre-election campaign statements, in violation of Government Code Section 84200.5 (4 counts). Additionally, the Adelanto Committee, Daniel Ramos, and Arsineda failed to establish, maintain, and utilize a campaign bank account, in violation of Government Code Section 85201 (1 count). **Total Penalty: \$37,500.**

Campaign Late Reporter

[In the Matter of Supporters of Recall Pamela Price and Stacy Owens; FPPC No. 24/489.](#)

Staff: Jenna C. Rinehart, Senior Commission Counsel. Respondents were represented by Emily Andrews of Olson Remcho LLP. Supporters of Recall Pamela Price is a primarily formed ballot measure committee, formed to support the recall of Alameda County District Attorney Pamela Price. Stacy Owens serves as the Committee’s treasurer. The Committee and Owens failed to

timely disclose the Committee's date of qualification, in violation of Government Code Sections 84101 and 84103 (1 count) and failed to timely and accurately disclose the recipient committee's name for which it made a non-monetary contribution, in violation of Section 84211 (1 count). Additionally, the Committee and Owens failed to timely file an amendment to the statement of organization to change the Committee's designation and name to reflect that it was primarily formed, in violation of Government Code Section 84103 and Regulation 18247.5 (1 count), failed to timely file a quarterly campaign statement, in violation of Government Code Section 84202.3 (1 count), and failed to timely file a 10-day Report, in violation of Government Code Section 84204.5 (1 count). The disclosure violations concerning the Facebook and Twitter pages are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. Chief Discretion was used in this matter. **Total Penalty: \$3,700 (Tiers One & Two).**

[Campaign Late Filer](#)

[In the Matter of Think Long Committee, Inc., Sponsored by Nicolas Berggruen Institute Trust \(501c4\), Nicolas Berggruen Institute Trust, and James Sutton; FPPC No. 20/569.](#) Staff: Jonathan Rivera, Commission Counsel. Think Long Committee, Inc., Sponsored by Nicolas Berggruen Institute Trust (501c4) was represented by James Harrison of Olson Remcho, LLP. Think Long Committee, Inc., Sponsored by Nicolas Berggruen Institute Trust (501c4), was a primarily formed ballot measure committee. James Sutton served as the Committee's treasurer. Nicolas Berggruen Institute Trust was a major donor committee for the calendar year 2019. Think Long Committee, Inc., Sponsored by Nicolas Berggruen Institute Trust (501c4), failed to timely file one pre-election campaign statement and two 24-Hour Reports in violation of Government Code Sections 84200.5, 84200.8, and 84215 (3 counts). Nicolas Berggruen Institute Trust failed to timely file one 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$12,000.**

[In the Matter of Association of San Miguel Firefighters Local 1434, Patrick Carroll, and Damian Arruda; FPPC No. 22/772.](#) Staff: Jaleena Evans, Commission Counsel. Association of San Miguel Firefighters Local 1434 is a local general purpose committee. Patrick Carroll previously served as the Committee's treasurer. Damian Arruda is the Committee's current treasurer. The Committee, Carroll, and Arruda violated the Act by failing to timely file one semi-annual campaign statement, two pre-election campaign statements, and one 24-Hour Report in violation of Government Code Sections 84200, 84200.5, and 84203. Chief Discretion was used in this matter. **Total Penalty: \$941 (Tier One).**

[In the Matter of Campaign to Elect Maria G. Lopez for School Board 2015 and Maria Lopez; FPPC No. 20/1135.](#) Staff: Jonathan Rivera, Commission Counsel and Carlie A. Haug, Staff Services Analyst. Maria Lopez was a successful candidate for the Lynwood Unified School District in the November 3, 2015 General Election. Campaign to Elect Maria G. Lopez for School Board 2015 was Lopez's candidate-controlled committee. The Committee failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). Chief Discretion was used in this matter. **Total Penalty: \$927 (Tier One).**

[In the Matter of Brea Olinda Teachers Association PAC, Tamara O'Rourke; FPPC No. 20/1045.](#) Staff: Chance Felkins, Commission Counsel. Brea Olinda Teachers Association PAC" is a general purpose committee. Tamara O'Rourke serves as the Committee's treasurer. The Committee and O'Rourke failed to timely file one pre-election campaign statement and one 24-Hour Report, in violation of Government Code Sections 84200.5 and 84204 (2 counts). Chief Discretion was used in this matter. **Total Penalty: \$449 (Tier One).**

In the Matter of El Cajon Police Officers' Association, Travis Howard, and Jared Baxter; FPPC No. 22/771. Staff: Jaleena Evans, Commission Counsel. The El Cajon Police Officers' Association is a local general purpose committee. Travis Howard previously served as the Committee's treasurer, and Jared Baxter currently serves as the Committee's treasurer. The Committee, Howard, and Baxter failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts); two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts); and four semiannual campaign statements, in violation of Government Code Sections 84200 (4 counts). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. Chief Discretion was used in this matter. **Total Penalty: \$3,324 (Tiers One & Two).**

In the Matter of WIT – Whatever it Takes for Student Achievement Banning Teachers Association, Emilio Murillo, and Robert Walden; FPPC No. 19/1672. Staff: Theresa Gilbertson, Senior Commission Counsel, and Special Investigator Alethea Perez. WIT - Whatever it Takes for Student Achievement Banning Teachers Association is a local general purpose committee that was supportive of multiple candidates in local school district elections during the November 5, 2019, and November 8, 2022 General Elections. Emilio Murillo and Robert Walden served as treasurer and assistant treasurer respectively. The Committee, Murillo, and Walden failed to timely file at least six 24-Hour Reports, in violation of Government Code Section 84203 (6 counts); four pre-election campaign statements, in violation of Government Code Section 84200.5 (4 counts); and seven semi-annual campaign statements, in violation of Government Code Section 84200.5 (7 counts). The Committee, Murillo, and Walden failed to disclose activity to report certain expenditures made in support of candidates on the ballot, in violation of Government Code Section 84211 (4 counts.) The Committee, Murillo, and Walden produced at least six advertisements that did not include the name of the Committee as it was registered on the Statement of Organization filed with the Secretary of State, and failed to include the proper advertisement disclosures on at least two of these advertisements, in violation of Government Code Section 84502 (6 counts). Certain violations, including six semi-annual late filer violations, one pre-election non-reporting violation, and four advertisement violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. Chief Discretion was used in this matter. **Total Penalty: \$3,233 (Tier One).**

In the Matter of Protect Portola Valley Schools-Yes on P and Tracy Hogan; FPPC No. 20/103. Staff: Marissa Corona, Senior Commission Counsel and Jay Gehres, Special Investigator. Protect Portola Valley Schools-Yes on P is a primarily formed ballot measure committee formed to support Measure P on the San Mateo County ballot in the March 3, 2020 Primary Election. Tracy Hogan is the treasurer and principal officer of the Committee. The Committee and Hogan failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts), one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count), two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts), and failed to maintain adequate records, in violation of Government Code Section 84104 (1 count). Chief Discretion was used in this matter. **Total Penalty: \$1,821 (Tier One).**

In the Matter of Flewelling & Moody Inc.; FPPC No. 20/373. Staff Jonathan Rivera, Commission Counsel. Flewelling & Moody, a major donor committee for the calendar year 2020,

failed to timely file one major donor campaign statement, in violation of Government Code Section 84200(b) (1 count) and three 24-Hour Reports, in violation of Government Code Section and 84203 (3 counts). **Total Penalty: \$1,000 (Tier One).**

In the Matter of Jamela Smith-Folds for School Board 2020, Jamela Smith-Folds, and Cameron Folds; FPPC No. 24/738. Staff: Jaleena Evans, Commission Counsel. Jamela Smith-Folds was a successful candidate for the Area 1 Trustee for West Contra Costa Unified School District Board in the November 3, 2020 General Election. Jamela Smith-Folds for School Board 2020 is Jamela Smith-Folds' local candidate-controlled committee. Cameron Folds is the Committee's treasurer. The Committee and Folds failed to timely file four semi-annual campaign statements in violation of Government Code Section 84200 (4 counts). Chief Discretion was used in this matter. **Total Penalty: \$800 (Tier One).**

Campaign Non-Reporter

Campaign Bank Account

In the Matter of Robert Fox for Long Beach City Council 2020; Robert Fox. FPPC No. 20/913. Staff: Laura Columbel, Commission Counsel and George Aradi, Special Investigator. Robert Fox was an unsuccessful candidate for Long Beach City Council in the November 2, 2020 General Election. Robert Fox for Long Beach City Council 2020 was Fox's candidate-controlled committee. The Committee and Fox failed to process \$25,343 through the campaign bank account over one reporting period, in violation of Government Code Section 85201 (1 count) and failed to maintain adequate records and documentation to fully substantiate the campaign reporting, in violation of Government Code Section 84104 (1 count). **Total Penalty: \$2,107 (Tier Two).**

Advertisements

In the Matter of Kansen Chu and Kansen Chu for Assembly 2022; FPPC No. 20/762. Staff: Jenna C. Rinehart, Senior Commission Counsel and Ann Flaherty, Special Investigator. Respondents were represented by Eric Lee and Tom Willis with Olson Remcho LLP. Kansen Chu was an unsuccessful candidate for State Assembly, District 24, in the June 7, 2022 Primary Election. Kansen Chu for Assembly 2022 was Chu's candidate-controlled committee. Chu served as the Committee's principal officer. The Committee and Chu failed to include the Committee's address and the "Paid for by" language on two mass mailings, in violation of Government Code Section 84305 and Regulation 18435 (2 counts). Additionally, the Committee and Chu created a Facebook and Twitter page that failed to include the required "Ad paid for by" followed by the Committee's name on each page's cover or header photo, in violation of Government Code Sections 84504.4 and 84504.3 (2 counts). The disclosure violations concerning the Facebook and Twitter pages are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. **Total Penalty: \$1,342 (Tier One).**

In the Matter of No Way Greenway – Vote No on Deceptive Measure D, FORT, and Matt Ferrell; FPPC No. 21/948. Staff: Alex Rose, Senior Commission Counsel. Respondents were represented by Gary Winuk of Kaufman Legal Group. No Way Greenway – Vote No on Deceptive Measure D was a local primarily formed committee in opposition to Measure D in the

Santa Cruz County June 7, 2022 Primary Election. FORT was an independent expenditure committee. Ferrell was the Treasurer for both committees. No Way Greenway and Ferrell failed to timely file a Statement of Organization and failed to include proper advertisement disclosures. FORT and Ferrell failed to timely file a semi-annual campaign statement and to include proper advertisement disclosures, in violation of Government Code Sections 84200, 84103, 84504.2, 84504, and 84502 (5 counts). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. **Total Penalty: \$1,054 (Tier One).**

[In the Matter of Ling Kong for Milpitas School Board 2020, Ling Kong, and Liyun Sun; FPPC No. 20/339.](#) Staff: Laura Columbel, Commission Counsel and Roone Peterson, Special Investigator. Ling Kong was an unsuccessful candidate for Milpitas School Board in the March 3, 2020 Primary Election. Ling Kong for Milpitas School Board 2020 was Kong’s candidate-controlled committee. Liyun Sun served as the Committee’s treasurer. The Committee and Sun failed to include the proper advertisement disclosures on two text messages and one email, in violation of Government Code Section 84504.3 (3 counts). **Total Penalty: \$622 (Tier One).**

Legislation

SB 1027 (Menjivar) – Redaction of Bank Account Information on Statements of Organization [CHAPTERED]

Status: Approved by the Governor and Chaptered on 8/19/24

Short Summary: SB 1027 would require the Secretary of State to redact the bank account number and the names of persons authorized to obtain bank account records from a committee’s Statement of Organization before providing the statement to the public. The bill would also authorize a committee to omit that same information from the copy of the statement filed with the local filing officer.

Detailed Summary:

Existing law: Existing law provides that a person or group of persons that receives \$2,000 or more in contributions in a calendar year is a “committee” under the Act. These types of committees, referred to as recipient committees, must file a Statement of Organization with the SOS and a copy of the statement with the local filing officer, if any, within 10 days of qualifying as a recipient committee. The Statement of Organization includes, among other things, disclosure of the committee’s bank account number and the names of persons authorized to obtain committee bank account records.

Fraud risk: Committees and committee representatives have expressed concern that public disclosure of the committee bank account number and the names of the listed persons makes the committee vulnerable to financial fraud.

Redaction of bank account information: SB 1027 would require the Secretary of State to redact the bank account number and, subject to a delayed operative date, the names of persons authorized to obtain bank account records from a committee’s Statement of Organization before providing the statement to the public. The bill would also authorize a committee to omit that same information from the copy of the Statement of Organization filed with the local filing officer.

Delayed operative date: Due to limitations within the existing Cal-Access campaign reporting system, additional fields cannot be redacted on Cal-Access. Because of this limitation, redaction of the names of persons authorized to obtain bank account records would take effect only after the Cal-Access Replacement System is operational.

FPPC Position: Support (Sponsor)

FPPC Costs: Minor and absorbable

SB 948 (Limon and Zbur) – Treatment of General Election Contributions [CHAPTERED]

Status: Approved by the Governor and Chaptered on 7/15/24

Short Summary: SB 948 would (1) provide that a candidate who raises funds for the general election before the primary election, and who does not file a declaration of candidacy to qualify for a primary election, may transfer these funds to a committee for the same or a different office, subject to specified attribution rules, (2) provide that a candidate who wins the election outright in the primary may transfer general election funds to a committee for any subsequent election, with attribution to specific contributors, and (3) expand the ability of candidates to carry over funds to any future election to the same office.

Detailed Summary:

Existing law: Existing law permits a candidate controlled committee to receive contributions for a general election before the primary election but prohibits those funds from being expended for the primary election. If the candidate is defeated in the primary election, or withdraws from the general election, the candidate must return the funds received for the general election to the contributors.

Ambiguity in existing law: Existing law does not explicitly address the scenarios where a candidate withdraws before the primary election or where a candidate wins the election outright in the primary. These issues were the subject of a regulation project presented to the Commission in August 2023 and March 2024.

Adding authority to transfer general election campaign funds for candidates who withdraw: SB 948 would explicitly provide that a candidate who does not file a declaration of candidacy to qualify for a primary election would not be required to refund contributions raised for the general election. The bill would instead allow those candidates to transfer funds raised for the general election to a committee established for the same or a different office, subject to the attribution rules.

Adding authority to transfer general election campaign funds for candidates who win the election outright in the primary: If a candidate wins outright in the primary election, without needing to advance to the general election, the bill would allow the candidate to (1) transfer remaining primary election funds to a committee for a subsequent election to the same office

without attribution, and (2) transfer general election funds to a committee for any subsequent election with attribution to specific contributors.

Existing law; carry over of contributions to subsequent election: Existing law permits a candidate to carry over contributions raised in connection with one election to pay campaign expenditures incurred in connection with a subsequent election for the same office. Existing regulation defines “a subsequent election” for these purposes to mean:

1. The election to the next term of office immediately following the election/term of office for which the funds were raised;
2. The general election, which is subsequent to and for the same term of office as the primary election for which the funds were raised; or
3. The special general election, which is subsequent to and for the same term of office as the special primary election for which the funds were raised.

Repeal of FPPC regulation: SB 948 would permit the carry over of contributions as described above to any subsequent election, thereby repealing FPPC regulation and expanding the ability of candidates to transfer funds to committees for future elections, however distant.

Legislative statement: SB 948 states that the provision relating to candidates who do not file a declaration of candidacy is declaratory of existing law. As noted, the Legal Division considers existing law ambiguous regarding the transfer of general election funds.

FPPC Position: No position

FPPC Costs: Minor and absorbable

SB 1181 (Glazer) - Contributions to Agency Officers: Disqualification: Narrowing the Scope of Section 84308 [CHAPTERED]

Status: Approved by the Governor and Chaptered on 9/27/24

Short Summary: SB 1181, for purposes of the disqualification provisions for agency officers, would (1) narrow which officers are subject those provisions, (2) narrow which types of contracts are subject to those provisions; (3) expand authority to return a contribution; and (4) add a modified definition for “agent”.

Detailed Summary:

Existing law: Existing law prohibits certain contributions of more than \$250 to an officer of an agency by any party, participant, or party or participant’s agent in a proceeding while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding. Existing law requires disclosure on the record of the proceeding of certain contributions of more than \$250 within the preceding 12 months to an officer from a party or participant, or party’s agent, and generally disqualifies an officer from participating in, or influencing, a decision if the officer has received an over-the-limit contribution during that time period.

Exemption for a city attorney or county counsel: SB 1181 would exempt from these provisions a city attorney or county counsel providing legal advice to the agency who does not have the authority to make a final decision in the proceeding.

Exemptions for certain contracts: Existing law exempts competitively bid, labor, and personal employment contracts from the types of proceedings subject to these provisions. SB 1181 would additionally exempt:

1. The periodic review or renewal of development agreements unless there is a material modification or amendment proposed to the agreement. Non-material modifications or amendments may be approved by agency staff.
2. Periodic reviews or renewal of competitively bid contracts unless there are material modifications or amendments proposed to the agreement that are valued at more than 10 percent of the value of the contract or fifty thousand dollars (\$50,000), whichever is less. Non-material modifications or amendments may be approved by agency staff.
3. Modification of or amendments to exempted contracts other than competitively bid contracts.

Expands the return provision: Existing law authorizes an officer who received an improper contribution to still participate in the decision if they return the contribution within 30 days of when the officer knows, or should have known, about the contribution and the proceeding. SB 1181 would modify this provision to additionally allow an officer who received an improper contribution to participate in a decision as long as they return the contribution within 30 days of the officer making any decision.

Adds definition of “agent”: SB 1181 would codify the definition of “agent” from regulation, with modifications.

FPPC Position: No position

FPPC Costs: Combined ½ position in the Legal Division for SB 1181 and SB 1243

[SB 1243 \(Dodd\) – Contributions to Agency Officers: Disqualification: Narrowing the Scope of Section 84308 \[CHAPTERED\]](#)

Status: Approved by the Governor and Chaptered on 9/30/24

Short Summary: SB 1243, for purposes of the disqualification provisions for agency officers, would (1) raise the contribution limit from \$250 to \$500; (2) narrow which officers are subject those provisions; (3) narrow the definition of “participant”; (4) narrow which types of contracts are subject to those provisions; (5) add a modified definition for “pending”; (6) expand the return and cure provisions; (7) alter timing requirement for disclosure of contributions by a party; and (8) ban contributions from agents during the proceeding and for 12 months after the final

decision and eliminate the aggregation requirement for agent contributions.

Detailed Summary:

Existing law: Existing law prohibits certain contributions of more than \$250 to an officer of an agency by any party, participant, or party or participant’s agent in a proceeding while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered. Existing law requires disclosure on the record of the proceeding of certain contributions of more than \$250 within the preceding 12 months to an officer from a party or participant, or party’s agent. Existing law disqualifies an officer from participating in a decision in a proceeding if the officer has willfully or knowingly received a contribution of more than \$250 from a party or a party’s agent, or a participant or a participant’s agent.

Raises contribution threshold: SB 1243 would raise the contribution limit from \$250 to \$500 for purposes of Section 84308.

Exemption for certain elected officials: SB 1181 would exempt from these provisions an elected official if the official or the body of which they are a member does not have authority to make any decision or recommendation in the proceeding.

Limits who is a participant: The bill would provide that a person is not a “participant” if their financial interest in the decision results solely from an increase or decrease in membership dues.

Exemptions for certain contracts: Existing law exempts competitively bid, labor, and personal employment contracts from the types of proceedings subject to these provisions. SB 1243 would additionally exempt:

1. Contracts valued under \$50,000.
2. Contracts where neither party receives financial compensation.
3. Contracts between two or more government agencies.
4. The periodic review of development agreements unless there is a material modification or amendment proposed to the agreement. Non-material modifications or amendments may be approved by agency staff.

Adds definition of “pending”: SB 1243 would codify the definition of “pending” from regulation, with modifications.

Expands the return provision: Existing law authorizes an officer who received an improper contribution to still participate in the decision if they return the contribution within 30 days of when the officer knows, or should have known, about the contribution and the proceeding. SB 1243 would modify this provision to additionally allow an officer who received an improper

contribution to participate in a decision as long as they return the contribution within 30 days of the officer making any decision.

Lengthens the cure period: Existing law allows an officer to cure certain violations of these provisions by returning a contribution, or the portion of the contribution of in excess of the limit, within 14 days of accepting, soliciting, or receiving the contribution, whichever comes latest. SB 1243 would lengthen the cure period during which an officer may cure an unintentional violation, from 14 to 30 days of accepting, soliciting, or directing the contribution.

Disclosure by party: Existing law requires a party to disclose any contribution over the limit in the prior 12 months on the record of the proceeding. SB 1243 would add that this disclosure must be made before the date of the final decision.

Contribution ban for agents: The bill would prohibit the agent of a party or participant from making any contribution to an officer during the proceeding and for 12 months following the date of the final decision.

Limits the aggregation rules: The bill would provide that, in determining whether a contribution has exceeded the limit, the contributions of an agent shall not be aggregated with contributions from a party or participant.

Severability of new provisions affecting agents: The bill would provide that if the contribution ban on agents is held invalid in a final decision of a court of competent jurisdiction, the provision described above limiting the aggregation rule for agents is not severable and shall also be become inoperative on the date of that final decision.

FPPC Position: No position

FPPC Costs: Combined ½ position in the Legal Division for SB 1181 and SB 1243