

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 17, 2020** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **December 15, 2020**.

### NOTICE OF INTENTION TO AMEND EXISTING CONFLICT-OF-INTEREST CODE:

The Commission is providing notice of its intention to review and amend 2 Cal. Code Reg. Section 18351, the Commission's conflict-of-interest code. Authority for this action is based on Government Code Section 87306. A written comment period has been established commencing on **October 16, 2020**. Written comments concerning the proposed amendments should be directed to the Fair Political Practices Commission, Attention: Toren Lewis, 1102 Q Street, Suite 3000, Sacramento, California 95811. For inquiries, call (916) 322-5660. Any written comments relating to the proposed action should be received no later than **December 15, 2020**, in order for them to be considered by the agency before it amends its code.

The Commission has prepared an Initial Statement of Reasons as a written explanation of the reasons for the amendments. This Initial Statement of Reasons, the regulatory language of the proposed amendment, and other information upon which the proposed amendment is based are available to interested persons at the Commission's address listed above.

After the Commission's public hearing, the agency's proposed conflict-of-interest code will be submitted to the agency's Code Reviewing Body (i.e., the Attorney General's Office) for its review.

### REGULATORY ACTION:

Amend 2 Cal. Cod Regs. Section 18351: Pursuant to Government Code Section 87306 and 2 Cal. Code Regs. Section 18750, the Commission will amend its conflict-of-interest code due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code Section 87306 and relevant changes in the duties assigned to existing positions.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

- No changes to any cover pages.

#### *Executive Office*

- The position of Information Officer has moved to the Executive Office from the abolished External Affairs and Education Division. The Legislative and External Affairs Coordinator position has been abolished. Legislative Counsel has been added. These positions are added to this part of the code to reflect the Commission's current organization. The positions are now assigned to category one due to the positions' ability to influence agency policy and actions in the Executive Office.

#### *Former External Affairs and Education Division*

- The Commission has abolished this division. Positions that were formerly in this division are now in the Legal Division.

#### *Legal Division*

- The Staff Services Manager II position has been removed because the position was abolished.
- The Staff Services Manager I position has been added to reflect the Commission's current organization and is assigned to category three, which is the category assigned to Legal staff that are not Counsel. This disclosure category is narrowly tailored to economic interests relating to candidates, campaign committees, lobbyists and other persons regulated by the Commission.
- Staff Services Analyst/Assistant Political Reform Consultant has been added to reflect the Commission's current organization and is assigned to category three.

#### *Enforcement Division*

- The position of Supervising Management Auditor is added to this part of the code. This position is assigned disclosure category two, which is the disclosure category assigned to Enforcement staff, other than category one filers. This disclosure category is narrowly tailored to real property and economic interests relating to candidates, campaign committees, lobbyists and other persons regulated by the Commission.
- The position of Associate Government Program Analyst has been added. This position is added to the code to reflect the Commission's current organization. This position is assigned to disclosure category two, which is the disclosure category assigned to Enforcement staff, other than category one filers. This disclosure category is narrowly tailored to real property and economic interests relating to candidates, campaign committees, lobbyists and other persons regulated by the Commission.
- The position of Staff Services Analyst (subpoena services) was renamed Management Services Technician (subpoena services). The job duties of this position have not changed.

*Administration and Technology Division*

- No changes have been made.

*Disclosure Categories*

- Paragraph (D) of Category 3 was removed because the positions this disclosure category are assigned to no longer write formal advice letters.

SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

The adoption of the proposed amendments: (1) will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Government Code (2) will not result in any nondiscretionary cost or savings to local agencies; (3) will not result in any cost or savings in federal funding to the state; (4) will not impose a mandate on local agencies or school districts; and (5) will not have any potential cost impact on private persons or business including small businesses.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposed and provisions of the Political Reform Act.

REFERENCE: The purpose of this regulation is to implement, interpret, and make specific Government Code Section 87300, 87302, 87303, 87306 and 87311.

CONTACT: Any inquiries concerning this proposal should be made to Toren Lewis, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone: (916) 322-5660. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/>.