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Assembly California Legislature



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BUDGET SUBCOMMITTEE NO. 3 ON
RESOURCES AND TRANSPORTATION

SELECT COMMITTEES
CHAIR: BIOTECHNOLOGY

CALIFORNIA WORKFORCE
DEVELOPMENT BOARD

December 20, 2017

VIA EMAIL

Chair Remke and Commissioners
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Dear Chair Remke and Commissioners,

As author of AB 249, the *California DISCLOSE Act*, I'd like to thank the Commission and its staff for working so diligently on the regulation changes needed to implement it.

The one important issue that I have is on draft Regulation 18450.1(a)'s requirements that certain communications be in quantities of 200 or more to be considered an "advertisement" in paragraphs (3), (4), (5), (6), and (8). I would like to make clear here that that was not the intent of the legislature, and definitely not my intent as author of AB 249.

AB 249's Section 84501(a)'s definition of "advertisement" very clearly spells out the intended exceptions to when communications are to be considered advertisements. There is – intentionally – no reference to the number of communications required to be considered advertisements, nor is there any reference to the number of communications required for their disclaimers requirements in Sections 84504-84504.4.

Instead, AB 249 specifically only includes quantity requirements in Sections 84305 and 84310 regarding advertisements paid for by a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee. The reason for this difference, as described by the California Clean Money Campaign's letter of December 11th, is that voters will automatically tend to assume that ads without disclosures are paid for by candidates, so it is okay if ads paid for by candidates in small numbers don't include disclosures. But it is not okay for ads regarding ballot measures or independent expenditures for and against candidates not to include disclosures, regardless of quantity.

We also agree with the other signers of the letter describing how having different disclosure requirements for committees based on the quantities of ads printed would be a burden on ballot measure and independent expenditure committees that not only goes against the intent of AB 249, but is counterproductive to the information needs of the voters.

We therefore respectfully request that you amend paragraphs (3), (4), (5), (6), and (8) of draft regulation 184501.1(a) to only apply to ads paid for by "a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee", as in AB 249's Section 84305 and the clear language and intent of Section 84504, 85404.2, and 85404.3 to apply regardless of quantity.

Alternatively, you could strike paragraphs (3)-(8), because they don't add anything to the Government Code in AB 249, which explicitly says what type of disclosures are needed on which types of advertisements, and explicitly provides quantity exceptions to required advertisements paid for by "a candidate, candidate

controlled committee established for an elective office for the controlling candidate, or political party committee" in Section 84305 and Section 84310 that describe what their required disclosures look like.

Either of these solutions would fulfill the legislature's intent on AB 249.

Thank you,

A handwritten signature in blue ink that reads "Kevin Mullin". The signature is written in a cursive style with a large initial 'K'.

Assemblymember Kevin Mullin
22nd Assembly District of California