



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Baker, Gómez, Wilson, and Wood

From: Galena West, Executive Director
Dave Bainbridge, General Counsel

Subject: Regulation Projects and Schedule for 2023

Date: January 19, 2023

Introduction

Commission staff proposes the following schedule for regulatory changes by the Commission in 2023. The general topic for each regulation project and the proposed dates it would be presented to the Commission are listed below. The summaries include a list of existing regulations that may be affected by the proposed regulatory changes but are not intended as a comprehensive list of all potential regulatory changes. Similarly, the scope and specific issues addressed in each regulation project described below may change during the process.

The proposed projects are based on prior direction from the Chair and Commissioners, as well as recommendations from staff and the public. The schedule may require revision during the year in the event of circumstances requiring immediate Commission action, changes in Commission priorities, legislative actions, staffing changes, or other unforeseen circumstances. Additional regulatory projects may be added, particularly during the second half of the year, upon direction by the Commission or as otherwise needed.

In most instances, a regulation project will be presented to the Commission at a meeting for pre-notice to allow for Commission and public comment and discussion. After the pre-notice meeting, staff may revise the regulations based on input provided, and submit it to the Office of Administrative Law pursuant to the Administrative Procedures Act. Typically, two months after the pre-notice meeting, staff will present the regulations to the Commission for final consideration and adoption. The Law and Policy Committee, at its discretion, may review, discuss, take public comment, and make recommendations on any regulatory proposals before the item is presented to the Commission.

The purpose of the regulation schedule is to provide Commissioners, staff, and the public advance notice of potential upcoming regulatory changes. Staff encourages interested parties to provide input early on so that staff may consider that input during the drafting process. Upon approval by the Commission, the regulatory calendar will be posted on the Commission's website and will be updated periodically.

Project Summary

Subject	Summary	Reg Sections¹	Relevant Statutes²	Source
Levine Act	Update regulations interpreting and implementing Section 84308 due to passage of SB 1439	18438.1 – 18438.8	84308	Legislation
Return of over-the-limit contributions	Update regulation concerning returning over-the-limit contributions due to passage of SB 794	18531	85319.5 (new)	Legislation
Advertising disclosure rules	Update regulations concerning advertising disclosure rules due to passage of SB 1360 and clarify disclosure requirements for ads running on connected television	18450.3, 18450.4, 18450.6, 18450.8, 18450.9	84502, 84503, 84504.1, 84504.3, 84504.4, 84505	Legislation
Administrative subpoenas	Update administrative subpoena regulation, including specifying voluntary compliance efforts required before issuing a subpoena	18361.1	83118	Chair
Collection of Enforcement penalties	Adopt a regulation detailing the Enforcement penalty collection process and permitting the reduction and/or discharge of penalties in certain circumstances	New	83108, 83116, 91013.5, 91013.7	Executive staff
Contributions to a candidate not appearing in a general election	Adopt a regulation detailing what a candidate-controlled committee may do with contributions for a general election when the candidate withdraws from the primary election or wins in the primary such that no general election is held	New	85317, 85318	Legal Division staff
Lobbying of CA Citizens Redistricting Commission	Clarify in regulation that attempting to influence members of the California Citizens Redistricting Commission can qualify as “lobbying” under the Act.	18202	82002	Chair

¹ All regulatory references are to the California Code of Regulations, title 2, division 6.

² All statutory references are to the California Government Code.

Regulation Schedule

Commission Meeting Date	Pre-notice	Adoption
January		
February	Levine Act	
March	Return of over-the-limit contributions	
April	Advertising disclosure rules, Administrative subpoenas	Levine Act
May		Return of over-the-limit contributions
June	Collection of Enforcement penalties	Advertising disclosure rules, Administrative subpoenas
July		
August	Contributions to a candidate not appearing in a general election	Collection of Enforcement penalties
September	Lobbying of CA Citizens Redistricting Commission	
October		Contributions to a candidate not appearing in a general election
November		Lobbying of CA Citizens Redistricting Commission
December		