



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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Second 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](#).

Regulation 18402
Regulation 18450.3
Regulation 18450.4
Regulation 18450.6
Regulation 18450.8
Regulation 18450.9
Regulation 18531

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](#).

Section 84308

Jonathan Velasquez

[I-23-065](#)

In general, contracts are considered entitlement for use proceedings for purposes of Section 84308 regardless of value. Accordingly, small contracts, including purchase orders, are subject to Section 84308's provisions. Likewise, charter school petitions, which are also contracts, are subject to Section 84308. However, labor contracts, such as collectively bargained project labor agreements, are expressly exempted from Section 84308.

Eric May

[I-23-077](#)

When a landowner initiates a process to change the use designation of a specific parcel of property under the County's general plan, both the pre-application to authorize the filing of a formal application, and the formal application for a general plan amendment, are "proceeding[s] involving a license, permit, or other entitlement for use" under Section 84308. Under the existing regulatory language and the most conservative reading of 84308, the proceeding should be considered "pending" once the pre-application has been submitted.

Ashlee Titus

[A-23-103](#)

The restrictions in Section 84308(b) are applicable to an "officer of an agency" which is defined under newly amended Regulation 18438.1(d) to include a person who is a candidate for elected office or has been in a candidate for elected office in the 12 months prior to the proceeding, who also has decisionmaking authority with respect to a license, permit or other entitlement for use

proceeding. A person who is solely a candidate for elective office is not “an officer of an agency” and is not subject to the restrictions in Section 84308(b) unless the candidate is elected or subsequently becomes an officer of the agency.

Campaign

David Stotland

[I-23-026](#)

Pursuant to the Act, County may use public funds to conduct a survey among constituents regarding local issues in order to inform the work of County Supervisor so long as the survey does not constitute campaign activity. Provision of the survey results to the Supervisor will not constitute a reportable contribution or independent expenditure where the survey results have also been shared publicly. Additionally, survey data regarding the preferred method of communication for individual constituents will not result in a contribution from the County to the Supervisor, so long as the data is not used for a political purpose.

James R. Sutton

[I-23-030](#)

On its Form 410, a ballot measure committee should list its sponsor, LLC-1, which is an affiliated entity of the Company and other affiliated entities, as “Company and Affiliated Entities, including LLC-1,” while also identifying LLC-1’s responsible officer. In addition, reference to the sponsor in the Committee’s name should be “Sponsored by Company and Affiliated Entities, including LLC-1,” without including the responsible officer’s name. Reference to LLC-1 as a top contributor in the committee’s “ad paid for by” disclaimer, should include the words “Ad Committee’s Top Funder(s)” followed by “Company and Affiliated Entities, including LLC-1.” Finally, with respect to contributions from LLC-1 on the committee’s Form 460, Schedule A, it should include “LLC-1/Company and Affiliated Entities,” while providing the name of LLC-1’s responsible officer as a public note.

James R. Sutton

[I-23-054](#)

Under the Act’s advertisement disclosure rules: (1) if a committee pays for an advertisement that appears in English and Spanish but primarily in Spanish, the committee’s name in the required disclosure must appear in the same language as on the committee’s statement of organization or campaign statements; (2) disclosure requirements for “written advertisements” under Regulation 18450.7 apply to a screen saver displaying “Vote for Smith,” but not to small tangible promotional items; and (3) text advertisements on a social media platform that also include an audio message when clicked on are not “on a listening application,” for purposes of the combined audio and video advertisement disclosure requirements of Regulation 18450.8.

Charlene D. Cruz

[A-23-074](#)

In connection with a July 25, 2023, election in Los Angeles County, candidates and their 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 13, 2023, covering the period June 11, 2023, through July 8, 2023.

Jazmin Flores

[A-23-093](#)

In connection with an August 15, 2023, election in San Diego County, candidates and committees may use a filing schedule that combines the semi-annual campaign statement with the first pre-

election statement. The combined statement will be due on July 6, 2023, covering the period from the day after the closing date of the last statement filed, through July 1, 2023.

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 Brayden Haena for Brentwood City Council - District 2 2022, Brayden Haena, and Daniela Costantino; FPPC No. 23/176. Staff: Christopher B. Burton, Acting Chief of Enforcement and Tara Stock, Intake Manager. Brayden Haena was an unsuccessful candidate for Brentwood City Council in the November 8, 2022 General Election. **Brayden Haena for Brentwood City Council - District 2 2022** was their candidate-controlled committee. Daniela Costantino was the Committee's treasurer. Haena, Costantino, and the Committee failed to utilize a designated campaign bank account for certain expenditures made during the first and second pre-election reporting periods, in violation of Government Code Section 85201 (2 counts). **Fine: \$823 (Tier Two).**

Advertisements

In the Matter of Santa Monicans for Change, to Support Negrete and Melkonians for City Council 2022, and Dominic Gomez; FPPC No. 23/058. Staff: Christopher B. Burton, Acting Chief of Enforcement and Tara Stock, Intake Manager. **Santa Monicans for Change, to Support Negrete and Melkonians for City Council 2022** is a local primarily formed committee to support local candidates. Dominic Gomez is the Committee's principal officer. The Committee and Gomez failed to include the proper disclaimers in the correct format on yard signs to support Negrete and Melkonians distributed prior to the November 8, 2022 General Election, in violation of Government Code Sections 84502, 84504.2, and 84506.5 (1 count). **Total Penalty: \$429 (Tier Two).**

In the Matter of Citizens for a Stronger Chaffey College, Yes on P, and Kim Erickson; FPPC No. 19/314. Staff: Alex Rose, Commission Counsel. Citizens for a Stronger Chaffey College, Yes on P is a local primarily formed committee. Kim Erickson served as the Committee's treasurer. The Committee and Erickson failed to include the proper advertising disclosures on two websites prior to the November 6, 2018 General Election, in violation of Government Code Sections 84502 and 84503 (2 counts). **Total Penalty: \$200 (Tier One).**

In the Matter of Haubert for Supervisor 2020, David Haubert, and David Bauer; FPPC No. 20/200. Staff: Jenna C. Rinehart, Commission Counsel and Kristin Hamilton, Special Investigator. David Haubert was a successful candidate for Alameda County Supervisor, District 1, in the March 3, 2020 Primary Election and November 3, 2020 General Election. Haubert for Supervisor 2020 is Haubert's controlled committee. David Bauer serves as the Committee's treasurer. The Committee

failed to include a disclosure on two text message advertisements, in violation of Government Code Section 84504.7 (2 counts). **Total Penalty: \$811 (Tier Two).**

Legislation

- [AB 868 \(Wilson\) – Digital Advertisement Transparency and Accountability \(DATA\) Act](#)

Coauthor: Assemblymember Lee

Status: Amended 6/27/23; passed in the Senate Elections Committee on 7/5/23 (6-1); passed in the Senate Judiciary Committee on 7/11/23 (10-1); set for hearing in the Senate Appropriations Committee on 8/14/23.

Short Summary: AB 868 would create a publicly accessible record of campaign advertisements that appear on online platforms.

Detailed Summary:

New committee duty: AB 868 would require a committee that pays for a digital advertisement to appear on an online platform to submit to the Commission a copy of the digital advertisement and specified information, including the name and ID number of the committee, the name of the candidate or number of the ballot measure, the online platform or platforms on which the ad was displayed, and the amount paid or agreed to be paid to the online platform.

Deadline: The above information would be due in accordance with existing deadlines for the submission of semiannual statements and preelection statements.

Operative date: The duty to submit this information would begin on the January 1st that is at least 60 days after the Commission certifies a system for accepting and maintaining the reports.

Public access: The bill would require the Commission to make the information submitted available in a centralized and publicly accessible online format.

Eliminates existing duplicative requirement: The bill would, upon certification of the above system, eliminate the existing requirement for an online platform that disseminates committees' online platform disclosed advertisements and that receives \$50,000 or more from digital advertisement sales during a calendar month to maintain and make accessible for public inspection specified records of campaign advertisements.

Liability: The bill would provide that a committee that submits the required information after the applicable deadline will be liable for a \$10 per day late fee, and that this penalty is the exclusive

penalty for violations that are unintentional, including inadvertent or negligent violations. Other penalties under the PRA would be available for intentional violations.

FPPC Position: Support

- **[SB 678 \(Umberg\) – Disclaimers on Paid Third-Party Social Media Posts](#)**

Status: Passed in the Assembly Elections Committee on 6/7/23 (8-0); passed in the Assembly Appropriations Committee on 6/28/23 (14-0); passed on the Assembly floor on 7/3/23 (69-0); in the Senate with concurrence on Assembly amendments pending

Short Summary: SB 678 would require a person who is paid by a committee to post content online supporting or opposing a campaign to include a disclaimer stating that the person was paid by that committee.

Detailed Summary:

New disclaimer requirement: SB 678 would require a person who is paid by a committee to support or oppose a candidate or ballot measure on an internet website, web application, or digital application, other than the committee’s own website, profile, or landing page, to include a disclaimer, that states, or is substantially similar to, the following:

“The author was paid by [name of committee and committee identification number] in connection with this posting.”

New committee duty: The bill would require a committee to notify the person posting the content of the disclaimer requirement.

Injunctive relief: If a person fails to post the disclaimer, they would not be subject to administrative penalties, but the Commission would be authorized to seek injunctive relief to compel disclosure.

FPPC Position: Support

- **[AB 37 \(Bonta\) – Use of campaign funds for security systems and personal security](#)**

Coauthor: Senator Wiener

Status: Amended 6/27/23; passed in the Senate Elections Committee on 7/5/23 (7-0); amended 7/10/23; set for hearing in the Senate Appropriations Committee on 8/14/23

Short Summary: AB 37 would repeal existing law that authorizes use of campaign funds for electronic security systems after verification of threats to physical safety, and would instead authorize broader use of campaign funds for both electronic security systems and personal security without verification.

Detailed Summary:

Expansion to personal security expenses: Existing law allows campaign funds to be used for home or office electronic security systems under certain conditions. AB 37 would expand permitted campaign fund use to also include payments for the reasonable costs of providing personal security.

Expansion to family and staff: Existing law allows campaign funds to be used only for electronic security systems at the home or office of the candidate or elected officer. AB 37 would allow campaign funds to be used additionally for home or office electronic security systems and personal security expenses for the immediate family or staff of the candidate or elected officer.

Repeal of verification requirement: Existing law allows campaign funds to be used for home or office security systems only if (1) the candidate or elected officer has received threats to their physical safety, (2) the threats arise from their activities, duties or status as a candidate or elected officer, and (3) the threats have been reported to and verified by law enforcement. AB 37 would repeal these verification requirements.

New threshold standard: AB 37 would allow campaign funds to be used for the security expenses described above if they are directly related to a political, legislative, or governmental purpose.

Repeal of \$5,000 limit: Existing law allows up to \$5,000 to be used for electronic security systems. AB 37 repeals that limit.

Return or reimbursement requirement: Existing law requires the candidate or elected officer to reimburse the campaign fund account for the costs of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time the property is sold. AB 37 instead requires either return of, or reimbursement for, the security equipment within one year of the of when the official is no longer in office or the candidate is no longer a candidate for the office for which the security equipment was purchased, or upon sale of the property on which the security equipment is located, whichever occurs sooner. Return or reimbursement would be required for all security equipment purchased with campaign funds.

Retains special reporting requirement: Existing law requires candidates or elected officers who use campaign funds for electronic security systems to report this expenditure to the Commission and information including when the threat was reported to law enforcement, the contact information of the law enforcement agency, and a description of the threat. AB 37 alters this special reporting requirement to require reporting to the Commission only of the expenditure, and additionally requires the candidate or elected official to report reimbursement for security equipment to the Commission.

FPPC Position: None

- **[SB 24 \(Umberg and Allen\) – Public financing of campaigns](#)**

Principal Coauthors: Senator Stern; Assemblymembers Cervantes and Lee

Coauthors: Senators Newman, Roth, and Wiener; Assemblymembers Low, Quirk-Silva, and Schiavo

Status: Amended on 6/26/23; passed in the Assembly Elections Committee on 7/5/23 (6-1); referred to the Assembly Appropriations Committee

Short Summary: SB 24 would authorize the use of public funds for campaigns under certain conditions, subject to approval by the voters.

Detailed Summary:

Existing law and background: Existing law prohibits a public officer from expending, and a candidate from accepting, public money for the purpose of seeking elective office. In 2016, an exception was added to allow public funds to be used for campaigns under specific conditions. The 2016 exception was challenged and was declared void and unenforceable by a Superior Court decision and affirmed by the Court of Appeals in 2019 as an improper legislative amendment of a voter initiative.

Re-authorizes public financing of campaigns: SB 24 would re-authorize a public officer or candidate to expend or accept public moneys for the purpose of seeking elective office if (1) the state or a local governmental entity establishes a dedicated fund for this purpose, (2) money in the fund is available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference, and (3) the state or local governmental entity has established criteria for determining a candidate's qualification by statute, ordinance, resolution, or charter.

Prohibits use of certain public funds for this purpose: Unlike the 2016 bill, SB 24 would prohibit public money from the dedicated fund from being taken from money that is earmarked for

education, transportation, or public safety. This restriction would not apply to charter cities.

Voter approval required: Unlike the 2016 bill, SB 24 would require approval by the voters at the November 5, 2024, statewide general election.

FPPC Position: None

- **SB 248 (Newman) – Disclosure of candidate’s education, work, and military service history**

Coauthor: Assemblymember Bryan

Status: Passed in the Assembly Elections Committee on 6/21/23 (6-0); referred to the Assembly Appropriations Committee

Short Summary: SB 248 would require candidates to disclose their prior education, work, and military service history under penalty of perjury.

Detailed Summary:

New candidate duty: SB 248 would require a candidate for elective office to file a new disclosure statement that includes prior education and work history, and history of military service with the Secretary of State. The bill would require SOS to post all disclosures on its website for 4 years from the date of filing.

Deadline: The new statement would be due under the same deadline as the statement of intention to be a candidate.

Under penalty of perjury: The statement would be filed under penalty of perjury.

Creation of the form: The bill would require the FPPC to create the form.

Penalties: False statements may be prosecuted by the Attorney General or district attorney, failure to timely file the form would be subject to a late filing fee, failure to file the form would be subject to penalties under the Act, and governing bodies with power to remove an elective officer from office may investigate violations and use failure to file the disclosure statement or false statements as grounds for the officer’s removal.

Delayed operative date: The provision requiring the new candidate experience disclosure takes effect on the January 1st after the Cal-Access Replacement System is certified.

FPPC Position: None

- **SB 328 (Dodd) – Contribution limit expansion to candidates for all local elective offices**

Coauthors: Senator Ochoa Bogh and Assemblymember Jackson

Status: Amended on 6/28/23; passed in the Assembly Elections Committee on 7/5/23 (6-1); referred to the Assembly Appropriations Committee

Short Summary: SB 328 applies the PRA’s contribution limits to candidates for all local elective offices, which would now include school districts, community college districts, and special districts.

Detailed Summary:

Previous expansion of contribution limits: In 2019, the Legislature passed AB 571 (Mullin), which expanded the PRA’s contribution limits to candidates for elective county or city office, effective January 1, 2021, and authorized counties and cities to adopt different contribution limits.

Existing definition of “local government agency”: Existing law in the PRA defines “local government agency” to mean a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing.

Expansion of contribution limits to all local elective offices: SB 328 would further expand the contribution limits to apply to all candidates for local elective offices.

Authority to enact different limits: SB 328 would authorize local governments to impose different contributions limits than those imposed by the PRA.

Delayed operative date: The bill would become operative on January 1, 2025.

FPPC Position: Support

- **SB 409 (Newman) – Candidate ballot pamphlet statements: video statement pilot program**

Status: Passed in the Assembly Elections Committee on 6/21/23 (7-0); amended 6/26/23; referred to the Assembly Appropriations Committee

Short Summary: SB 409 would authorize a pilot program to add a QR code to the ballot pamphlet that would link to a video statement by the candidate.

Detailed Summary:

Existing law: Existing law authorizes a candidate for statewide elective office who accepts the voluntary expenditure limits to purchase the space to place a statement in the state ballot pamphlet. The Secretary of State is responsible for setting the time frames and procedures for the preparation of state ballot pamphlets.

Pilot program for candidate video statements: SB 409 would require SOS to establish a pilot program in up to four counties that allows a candidate to additionally include in their candidate statement a QR code link to a video statement. The bill would impose certain requirements relating to the content, word limit, format, and appearance of the video statements. The bill would authorize a candidate to film their video statement in a participating county elections office or in a place designated by the SOS if the candidate is unable to provide the background, camera, and upload capability themselves. The bill would require the SOS and any participating county to post the video statements on their respective internet website so that it is accessible via the QR code link.

Reporting requirement: The bill would require a participating county to report to the SOS about their pilot programs and would require the SOS to report annually to the Legislature.

Sunset: The bill would sunset the pilot program after four years.

FPPC Position: None