



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](#).

### Amended

[18237](#). Definitions. Definition of Investment. Effective 07/10/2024.

[18421.2](#). Campaign Disclosure. Cryptocurrency Contributions. Effective 07/10/2024.

## 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

#### **Austin Smith**

[A-24-042](#)

In connection with a July 23, 2024, special recall election in San Mateo County, 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.

#### **Bobbie Ormonde**

[A-24-059](#)

In connection with an August 27, 2024, election for Broadview Water District, 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 18, 2024, covering the period from the day after the closing date of the last statement filed through July 13, 2024.

### Section 84308

#### **Andre de Bortnowsky**

[A-24-023](#)

It is not reasonably foreseeable a decision regarding the continuation of an existing contract for law enforcement services between the city and county will have a material financial effect on the law enforcement employees, the law enforcement employees' union, or non-law enforcement employees. Accordingly, contributions from these potential contributors will not be restricted under Section 84308 as the potential contributors do not meet the definition of a "participant."

#### **Shante Sylvester**

[A-24-027](#)

Section 84308 is not applicable to a proceeding affecting a community standards district that was initiated by the agency as a general policy matter prohibiting new oil wells and production

facilities, requiring removal of existing oil wells and production facilities after 20 years, and maintaining oil field regulations for all unincorporated areas within the agency's jurisdiction, where the facts indicate that the change was not applied for, nor was it formally or informally requested by a party, does not involve a contract between the agency and a party, and would affect over 100 persons with property rights or permitted interests as well as all residents within the area.

**Ryan O'Connor**

[I-24-035](#)

Under Section 84308 and Regulation 18438.3, where an agent is employed as a lobbyist at a lobbying firm, contributions by the lobbying firm are aggregated with contributions made by the client-party or client-participant. Contributions by an employee of the lobbying firm are only aggregated with the client's contributions if the employee qualifies as an "agent" or must aggregate their contributions under Section 82015.5 (e.g., the employee directs or controls the firm's contributions).

**Bradley A. Russi**

[I-24-037](#)

Section 84308 prohibits parties, participants, and agents from contributing more than \$250 to the elected city attorney as an officer of the agency while the proceeding is pending and for 12 months thereafter. This prohibition applies even if the city attorney establishes a screening process to preemptively recuse himself from taking part in city contracts involving the potential contributor.

**Amber Maltbie**

[A-24-063](#)

The restrictions of Section 84308 would not prohibit an officer from participating in the decision that will come before the officer's agency when more than 12 months have passed from the date of receipt of the contribution, provided the officer had no knowledge of the project or the contributor's representation of the applicant as an agent at the time the contribution was accepted.

## 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 Late Reporter

**In the Matter of Salinas Valley Leadership Group, and Chris Steinbruner; FPPC No. 24/337.** Staff: Jaleena Evans, Commission Counsel. Salinas Valley Leadership Group was represented by Andrew Werbrock of Olson Remcho, LLP. Salinas Valley Leadership Group is a local general purpose committee that supports local candidates. Chris Steinbruner serves as the Committee's treasurer. The Committee and Steinbruner failed to timely file a pre-election campaign statement, a 24-Hour Report, and failed to report a non-monetary contribution and

expenditure on a semi-annual campaign statement, in violation of Government Code Sections 84200.5, 84203, and 84211 (3 counts). **Fine: \$670 (Tier One).**

### Campaign Late Filer

**In the Matter of Kieu Hoang; FPPC No. 20/203.** Staff: Alex Rose, Senior Commission Counsel and Ann Flaherty, Special Investigator. The respondent is represented by Robert Blackmon. Kieu Hoang is a major donor and independent expenditure committee. Hoang failed to timely file four semi-annual campaign statements, three 24-Hour Reports, and a 24-Hour Independent Expenditure Report, in violation of Government Code Sections 84200, 84203, and 84204 (8 counts). **Fine: \$30,000.**

**In the Matter of Committee to Elect Edgard Garcia for Imperial County District Attorney 2022; Committee to Elect Edgard Garcia for State Assembly 2024; Edgard Garcia and Arezoo Garcia; FPPC No. 23/538.** Staff: Chance Felkins, Commission Counsel. Edgard Garcia was an unsuccessful candidate for Imperial County District Attorney in the June 7, 2022 Primary Election. Committee to Elect Edgard Garcia for Imperial County District Attorney 2022 was Edgard Garcia's local candidate-controlled committee. Arezoo Garcia served as the Committee's treasurer. The Committee, Edgard Garcia, and Arezoo Garcia failed to timely file two pre-election campaign statements and two 24-Hour Reports, in violation of Government Code Sections 84200.5 and 84203 (4 counts). Committee to Elect Edgard Garcia for State Assembly 2024 is Edgard Garcia's state candidate-controlled committee. Arezoo Garcia served as the Committee's treasurer. Edgard Garcia was an unsuccessful candidate for the California State Assembly District 36 in the March 5, 2024 Primary Election. The Committee, Edgard Garcia, and Arezoo Garcia failed to timely file a pre-election campaign statement and twelve 24-Hour Reports, in violation of Government Code Sections 84200.5 and 84203 (13 counts). **Fine: \$7,959 (Tier Two).**

**In the Matter of Andrew Thorburn; FPPC No. 24/282.** Staff: James M. Lindsay, Chief of Enforcement and Tara Stock, Intake Manager. Andrew Thorburn, a major donor committee for the calendar year 2020, failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). **Fine: \$1,600 (Tier One).**

**In the Matter of Berkeley Council of Classified Employees AFT Local 6192 COPE, and Shauna Rabinowitz; FPPC No. 23/593.** Staff: Jonathan Rivera, Commission Counsel. The respondents are represented by Sue Vang and Richard Rios of Olson Remcho LLP. The Berkeley Council of Classified Employees AFT Local 6192 COPE is an active general purpose committee. Shauna Rabinowitz serves as the Committee's treasurer. The Committee and Rabinowitz failed to timely file two semi-annual campaign statements, in violation of Government Code Section 84200 (2 counts). **Fine: \$494 (Tier One).**

**In the Matter of Aneel Bhusri; FPPC No. 21/700.** Staff: Neal Bucknell, Senior Commission Counsel and Ann Flaherty, Special Investigator. Aneel Bhusri is represented by Emily Erlingsson of Pillsbury Winthrop Shaw Pittman LLP. In 2018 and 2020, Aneel Bhusri qualified as a major donor, but failed to timely file three major donor campaign statements, in violation of Government Code Section 84200, subdivision (b) (3 counts), and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Fine: \$3,200 (Tier Two).**

**In the Matter of Zeka Ranch LLC, Louisa Zee Kao; FPPC No. 18/1061.** Staff: Alex Rose, Senior Commission Counsel and George Aradi, Special Investigator. Zeka Ranch, LLC was a local independent expenditure committee. Zee Kao served as the Committee's treasurer. The Committee and Kao failed to timely file two 24-Hour Independent Expenditure Reports and one independent expenditure campaign statement, in violation of Government Code Sections 84204 and 84200 (3 counts). Additionally, the Committee and Zee Kao failed to include the proper disclosure on an advertisement in opposition of the City of Antioch's Measure T in the November 3, 2020 General Election, in violation of Government Code Section 84502 (1 count). **Fine: \$1,936 (Tiers One & Two).**

**In the Matter of Vinton Bacon and Vinnie Bacon for Alameda County Board of Supervisors District 1 - 2020; FPPC No. 20/750.** Staff: Artin Berjiky, Senior Commission Counsel and Rooney Petersen, Special Investigator. Vinton Bacon was an unsuccessful candidate for the Alameda County Board of Supervisors District 1 in the November 3, 2020 General Election. Vinnie Bacon for Alameda County Board of Supervisors District 1 – 2020 was Bacon's candidate-controlled committee. Bacon served as the Committee's treasurer. The Committee and Bacon failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). **Fine: \$1,836 (Tier Two).**

**In the Matter of David Wiener and the Survivor's Trust Under the Wiener Family; FPPC 21/1071.** Staff: Cinthya Bernabé, Commission Counsel and Kaitlin Osborn, Special Investigator. The Respondents were represented by Michael A. Farr of Reed & Davidson, LLP. David Wiener and the Survivor's Trust Under the Wiener Family, a major donor committee for the calendar years 2018 and 2020, failed to timely file thirteen 24-Hour Reports and four semi-annual campaign statements, in violation of Government Code Sections 84203 and 84200(b). **Fine: \$10,000 (Tiers One & Two).**

**In the Matter of David Bramante for Governor 2021, David Bramante, and Kayla Bramante; FPPC No. 21/805.** Staff: Chance Felkins, Commission Counsel. David Bramante was an unsuccessful candidate for Governor of the State of California in the state gubernatorial recall election on September 14, 2021. David Bramante for Governor 2021 was David Bramante's state candidate-controlled committee. Kayla Bramante served as the Committee's treasurer. The Committee, David Bramante, and Kayla Bramante failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts). **Fine: \$998 (Tier One).**

**In the Matter of Henry Jones for CalPERS Board 2019 and Henry Jones; FPPC No. 21/020.** Staff: Bridgette Castillo, Senior Commission Counsel. This matter arose from an audit performed by the Audit Division of the Fair Political Practices Commission. The respondent was represented by Joseph Guardarrama with Kaufman Legal Group. Henry Jones for CalPERS Board 2019 was Jones' state candidate-controlled committee. Jones was a member of the CalPERS Board until 2022. The Committee and Jones failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). **Fine: \$984 (Tier One).**

**In the Matter of Erika Simmons, Dr. Erika Simmons for School Board School Board, Alpine (Year 2022), Sarah Reimund; FPPC No. 23/123.** Staff: Jaleena Evans, Commission Counsel. Erika Simmons was an unsuccessful candidate for the Alpine Union School District

Board in the November 8, 2022 General Election. Dr. Erika Simmons for School Board School Board, Alpine (Year 2022) was Simmons' candidate-controlled committee. Sarah Reimund served as the Committee's treasurer. The Committee and Simmons failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 Counts). **Fine: \$687 (Tiers One & Two).**

**In the Matter of Yes on El Cajon Measure P – A Committee in Support of Measure P, Briana Baleskie; FPPC No. 22/769.** Staff: Jaleena Evans, Commission Counsel. Yes on El Cajon Measure P – A Committee in Support of Measure P was a primarily formed committee to support Measure P, a ballot measure in the November 8, 2022 General Election. Briana Baleskie served as the Committee's treasurer. The Committee failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 Count). **Fine: \$300 (Tier 1).**

**In the Matter of Jenny Kassan for Fremont City Council District 3 2022, Jenny Kassan, and Vinnie Bacon; FPPC No. 22/808.** Staff: Jonathan Rivera, Commission Counsel. Jenny Kassan was a successful candidate for Fremont City Council District 3 in the November 8, 2022 General Election. Jenny Kassan for Fremont City Council District 3 was Kassan's local candidate-controlled committee. Vinnie Bacon served as the Committee's treasurer. The Committee, Kassan, and Bacon failed to timely file one 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Fine: \$270 (Tier One).**

**In the Yes on Measure L and Varinder Bains; FPPC No. 20/835.** Staff: Marissa Corona, Commission Counsel and Roone Peterson, Special Investigator. Yes on Measure L was a primarily formed committee supporting Measure L, a ballot measure in the November 3, 2020 General Election. Varinder Bains served as the Committee's treasurer. The Committee and Bains failed to timely file one 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Fine: \$260 (Tier One).**

### Campaign Non-Reporter

**In the Matter of Ronald Terry for Sheriff 2019, Ronald Terry; FPPC No. 21/1024.** Staff: Alex Rose, Senior Commission Counsel and Katelin Angeloni, Special Investigator. Ronald Terry was an unsuccessful candidate for San Francisco County Sheriff in the November 5, 2019 General Election. Ronald Terry for Sheriff 2019 was Terry's candidate-controlled committee. Terry served as the Committee's treasurer. The Committee and Terry failed to timely report \$20,334 in contributions on a semi-annual campaign statement, in violation of Government Code Section 84211 (1 count). **Fine: \$710 (Tier One).**

**In the Matter of Carolyn Wysinger for WCCUSD 2020; Carolyn Wysinger; FPPC No. 21/297.** Staff: Alex Rose, Senior Commission Counsel and Kristin Hamilton, Special Investigator. Carolyn Wysinger was an unsuccessful candidate for West Contra Costa Unified School District in the November 3, 2020 General Election. Carolyn Wysinger for WCCUSD 2020 was Wysinger's candidate-controlled committee. Wysinger served as the Committee's treasurer. The Committee and Wysinger failed to timely report \$1,062 in expenditures on a pre-election campaign, in violation of Government Code Section 84211 (1 count). **Fine: \$131 (Tier One).**

## Campaign Bank Account

**In the Matter of Kathy Strong for Indian Wells City Council 2020, Kathy Strong and John Eger; FPPC No. 20/802.** Staff: Marissa Corona, Commission Counsel and Ann Flaherty, Special Investigator. Kathy Strong was an unsuccessful candidate for Indian Wells City Council in the November 3, 2020 General Election. Kathy Strong for Indian Wells City Council 2020 was Kathy Strong’s candidate-controlled committee. John Eger served as the Committee’s treasurer. The Committee, Strong, and Eger improperly accepted cash contributions of \$100 or more, in violation of Government Code Section 84300 (1 count), and failed to process \$2,500 through the campaign bank account over two reporting periods, in violation of Government Code Section 85201 (2 counts). **Fine: \$1,075 (Tier Two).**

## Advertisements

**In the Matter of Save Lafayette and Michael Griffiths; FPPC No. 18/323.** Staff: Neal Bucknell, Senior Commission Counsel and Lance Hachigian, Supervising Special Investigator. Save Lafayette was a primarily formed committee to oppose Measure L on the June 5, 2018 Primary Election in Lafayette, California. Michael Griffiths served as the Committee’s treasurer. The Committee and Griffiths failed to timely report contributions received by the Committee, expenditures made by the Committee, and payments to subvendors in amounts of \$500 or more, in violation of Government Code Sections 84211 and 84303 (2 counts). Additionally, the Committee failed to include “Paid for by” language and failed to include the name of the committee on a mass mailing, in violation of Government Code Sections 84502 and 84504.2 (1 count). **Fine: \$772 (Tiers One & Two).**

**In the Matter of Yuba County Republican Party, Joanna Lassaga and Rosemary Daoust; FPPC No. 24/239.** Staff: Chance Felkins, Commission Counsel. Yuba County Republican Party is a general purpose committee. Joanna Lassaga is the Committee’s chairwoman, and Rosemary Daoust serves as the Committee’s treasurer. The Committee failed to include “Ad Paid for by” language and the Committee name on a yard sign to oppose the Marysville Joint Unified School District, Measure S, prior to the March 5, 2024 Primary Election, in violation of Government Code Section 84502 (1 count). **Fine: \$117 (Tier One).**

**In the Matter of Commerce Business Alliance, Sachin Gulaya; FPPC No. 20/240.** Staff: Marissa Corona, Commission Counsel and Jay Gehres, Special Investigator. Commerce Business Alliance is a primarily formed committee in support of two candidates and in opposition of two candidates for Commerce City Council in the November 3, 2020 General Election. The Committee and Gulaya failed to include the proper advertisement disclosure on four mailers, in violation of Government Code Sections 84502, 84504.2 and 84506.5 (4 counts) and failed to include the names of the candidates it supported and opposed along with the office sought and election year in the name of the committee, in violation of Government Code Section 84102 (1 count). **Fine: \$1,303 (Tier One).**

**In the Matter of Lynwood Families for Progress, Maria Santillan-Beas; FPPC No. 23/614.** Staff: Alex Rose, Senior Commission Counsel and Kristin Hamilton, Special Investigator. Lynwood Families for Progress is a primarily formed committee in support of Measure R in the City of Lynwood. Maria Santillan-Beas serves as the Committee’s principal officer. The Committee and Santillan-Beas failed to include the proper advertising disclosure on mailers



distributed prior to the June 7, 2022 Primary Election, in violation of Government Code Section 84502 (3 counts). **Fine: \$903 (Tier One).**

## Legislation

### **SB 1027 (Menjivar) – Redaction of Bank Account Information on Statements of Organization**

**Status:** Passed in the Senate (39-0); referred to the Assembly Elections Committee and the Assembly Judiciary Committee; set for hearing in the Senate Elections Committee on 6/12/24

**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:* The bill 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**

**Status:** Passed in the Senate (37-0); set for hearing in the Senate Elections Committee on 6/12/24

**Short Summary:** SB 948 would provide that (1) 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, and (2) a candidate who wins the election outright in the primary may transfer general election funds to a committee for a subsequent election to the same office, with attribution to specific contributors.

**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 explicit authority to transfer general election campaign funds for candidates who withdraw:* This bill 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 explicit 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 advancing 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 a subsequent election to the same office with attribution to specific contributors.

*Legislative statement:* The bill states it is declaratory of existing law. As noted, the Legal Division considers existing law ambiguous regarding this specific scenario.

**FPPC Position:** No position

**FPPC Costs:** Minor and absorbable

**[SB 1151 \(Hurtado\) - Registration and Reporting Requirements for Foreign Agents](#)**

**Status:** Passed in the Senate (37-0)



**Short Summary:** SB 1151 would make the agent of a foreign principal subject to the same registration and reporting requirements as lobbyists and lobbying firms under the PRA and certain additional requirements.

**Detailed Summary:**

*Existing law:* Existing law under the PRA’s lobbying provisions requires an individual or entity that receives compensation for the purpose of influencing legislative or administrative action to register with, and submit periodic reports to, the Secretary of State. The PRA’s lobbying disclosure provisions generally require lobbyists, lobbying firms, and lobbyist employers to provide basic identifying information, such as their name, telephone number, business address, and more detailed information, such as a description of the “business activity” in which the lobbyist or their employer is engaged.

*Registration and reporting requirements:* The bill would require an individual who engages in certain specified activities related to influencing legislative or administrative action at the order, request, or under the direction or control of a foreign principal to register as an agent of a foreign principal and to file periodic reports with the Secretary of State. Registration and reporting would be in the same manner, with the same frequency, and with the same content as for lobbyists and lobbying firms.

*Additional requirement:* The bill would additionally require a foreign agent to disclose on their registration statement any compensation received, contracted, or otherwise promised to the agent by each foreign principal.

*Training and fee:* The bill would also subject foreign agents to the same ethics training requirements and the same annual fee as lobbyists.

*Commissioner restriction:* The bill would prohibit a foreign agent from being a Commissioner with the FPPC.

**FPPC Position:** No position

**FPPC Costs:** \$377,280 in the first year and \$363,280 annually thereafter for 1 position in the Legal Division and 1 position in the Enforcement Division

**[SB 1170 \(Menjivar\) - Use of Campaign Funds for Mental Health Expenses](#)**

**Status:** Passed in the Senate (39-0); set for hearing in the Assembly Elections Committee on 6/12/24

**Short Summary:** SB 1170 would authorize expenditure of campaign funds for mental healthcare expenses for non-incumbent candidates under limited circumstances.

**Detailed Summary:**

*Existing law:* Existing law prohibits expenditure of campaign funds for health-related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of their households.

*Authorizing campaign funds use for mental healthcare expenses:* The bill would authorize campaign funds to be used to pay or reimburse a non-incumbent candidate for reasonable and

necessary mental healthcare expenses to address mental health issues that have arisen during the campaign or have been adversely impacted by campaign activities if the candidate does not have health insurance or has been denied coverage for these mental healthcare expenses by their health insurance.

*Limited time period:* Expenditures for mental healthcare expenses would be permitted from the date upon which a candidate committee is established to the date that the election results are certified.

*Reporting:* The bill would require these expenditures to be reported on campaign statements and would require the disclosures to note the underlying campaign-related circumstances or events that gave rise to the need for mental health expenses.

*Mental healthcare expenses defined:* Under the bill, “mental healthcare expenses” refers to expenses for services including therapy, psychological, or psychiatric counseling services, provided in a group or private setting, either virtually or in person, by a professional licensed by the California Board of Behavioral Sciences, or an associate accruing the hours for such a license, to address mental health issues.

**FPPC Position:** No position

**FPPC Costs:** TBD, pending amendments

### **AB 3239 (Carrillo) – Use of Campaign Funds: Emotional Support Animal Airline Travel**

**Status:** Amended 3/21/24; set for hearing in the Assembly Elections Committee on 4/24/24

**Short Summary:** AB 3239 would authorize campaign funds to be used pay or reimburse airline travel expenses related to an emotional support animal under certain circumstances.

#### **Detailed Summary:**

*Existing law:* Under existing law, an expenditure of campaign funds that confers a substantial personal benefit must be directly related to a political, legislative, or governmental purpose of the committee. Existing law prohibits campaign funds from being used to pay or reimburse travel expenses except when these expenditures are directly related to a political, legislative, or governmental purpose.

*Exception for emotional support animal airline travel costs:* The bill would allow campaign funds to be used to pay or reimburse airline travel expenses related to an emotional support animal belonging to and traveling with an individual whose airline travel may be paid for or reimbursed by campaign funds.

*Definition of emotional support animal:* The bill would cross-reference the definition of “emotional support animal” elsewhere in state law, which defines the term to mean “an animal that provides emotional, cognitive, or other similar support to an individual with a disability, and that does not need to be trained or certified.”

*Reporting:* The bill would require these costs to be reported on campaign statements the same as other travel costs, and would provide that the payments or reimbursement are considered for the same purpose as the candidate's or elected officer's travel.

**AB 2911 (McKinnor) – Contributions to Agency Officers: Disqualification: Contribution Limit Increase**

**Status:** Passed in the Assembly (63-0); referred to the Senate Elections Committee

**Short Summary:** AB 2911 increases the contribution limit from \$250 to \$1,500 for purposes of Section 84308, which governs contribution limits to agency officers from parties or participants in agency proceedings.

**Detailed Summary:**

*Existing law:* Existing law requires disqualification and recusal of certain agency officers who received contributions of \$250 or more from parties or participants in certain agency proceedings within specific time periods, and requires disclosure on the record of the proceeding of those contributions.

*Increase to contribution limit:* AB 2911 increases the contribution limit from \$250 to \$1,500, allowing parties, participants, and agents to contribute up to \$1,500 to officers in the proceeding without triggering disqualification or disclosure on the record.

**FPPC Position:** No position

**FPPC Costs:** Minor and absorbable

**SB 1181 (Glazer) - Contributions to Agency Officers: Disqualification: Additional Notice**

**Status:** Passed in the Senate (37-0)

**Short Summary:** SB 1181 would require the agenda for certain public proceedings to include a specified notice regarding limits on contributions from a party to an agency officer and party disclosure requirements.

**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.

*Adds an agenda notice requirement:* The bill would require the agenda for a proceeding that is a public meeting to include a notice describing the above provisions. The bill also includes

language for that notice.

**FPPC Position:** No position

**FPPC Costs:** Minor and absorbable

**SB 1243 (Dodd) – Contributions to Agency Officers: Disqualification: Narrowing the Scope of Section 84308**

**Status:** Passed in the Senate (30-2); referred to the Assembly Elections Committee

**Short Summary:** SB 1243 would, for purposes of the disqualification provisions for agency officers, (1) narrow the definition of “participant,” (2) exempt proceedings involving the periodic review of development agreements from the types of proceedings subject to the section, (3) narrow the definition of when a proceeding is “pending,” (4) shorten the date range for prohibited contributions, (5) increase the contribution threshold, (6) lengthen the cure period, (7) prohibit contributions from agents to agency officers during a specified time period, (8) provide that any contributions from agents shall not be aggregated with those of a party or participant, and (9) broaden the definition of “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. 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. 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 \$250, within 14 days of accepting, soliciting, or receiving the contribution, whichever comes latest.

*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.

*Exempts the Periodic Review of Development Agreements:* The bill would exempt “the periodic review of development agreements” from the definition of “license, permit, or other entitlement for use” such that a proceeding on the periodic review of development agreements would not trigger the requirements and restrictions of this section.

*Narrows the Definition of “Pending”:* Existing regulations define when a proceeding is “pending” for an officer to mean either (1) that the decision is before the officer for their

consideration, including if the item has been placed on the agenda, or (2) the officer knows or has reason to know the proceeding is before the jurisdiction of the agency and it is reasonably foreseeable that the decision will come before the officer. The bill adds a definition of “pending” to statute that is narrower than the regulatory definition, such that a proceeding is pending for an officer only if/when the item is placed on the agenda for discussion or decision by the agency.

*Shortens the Prohibited Contribution Date Range:* The bill would shorten the date range after the final decision during which an officer of an agency is prohibited from accepting, soliciting or directing a contribution from 12 to 9 months after the final decision.

*Raises the Contribution Threshold:* The bill would change the contribution threshold that triggers disqualification from \$250 to \$1,000.

*Lengthens the Cure Period:* The bill 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.

*Prohibition on Contributions from Agents:* The bill would prohibit the agent of a party or participant from making a contribution to an officer during the proceeding and for 9 months following the date of the final decision.

*Limits the Aggregation Rules:* The bill would provide that, in determining whether a contribution has exceeded one thousand dollars (\$1,000), the contributions of an agent shall not be aggregated with contributions from a party or participant.

*Broadens the Definition of “Agent”:* The bill adds a definition of “agent” such that an agent is a person who (1) represents a party or participant in a proceeding for compensation or (2) otherwise communicates with the agency for purposes of influencing the proceeding on behalf of a party or participant. Because, in the latter instance, the definition includes a person who is potentially not compensated, the bill’s definition is broader than the definition in regulation.

**FPPC Position:** No position

**FPPC Costs:** ½ position in the Legal Division