



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811  
(916) 322-5660 • Fax (916) 322-0886

# First 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](#).

None.

## 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

#### **Randall Sjoblom**

[I-23-027](#)

Section 84308 applies to any proceeding or action to grant, deny, revoke, restrict or modify "licenses, permits, or other entitlements for use." A decision to vacate an irrevocable offer of dedication or a public easement is a proceeding involving an entitlement for use.

#### **Thai Viet Phan**

[A-23-052](#)

Although Section 84308 prohibits officers including city councilmembers from accepting, soliciting, and directing contributions of more than \$250 from parties in a proceeding involving "a license, permit, or other entitlement for use," the statutory definition of that term excludes labor contracts. Accordingly, Section 84308 does not apply to contributions to councilmembers from an organization entering into a labor agreement with the City.

### Campaign

#### **Michael Caves**

[A-23-017](#)

The \$50 state mandated annual committee fee is not an "expenditure" for purposes of the reporting exception provided in Section 84200(a)(2) and (3). A judge with a committee that otherwise meets the requirements of this exception will not have a semiannual campaign statement filing duty based solely on the payment of the annual fee.

#### **Ashlee N. Titus**

[A-23-028](#)

To the extent that a committee places only "all purpose" account funds in a higher interest-bearing account, maintains and designates this interest-bearing account as an "all purpose" committee account, appropriately labels it as such with the financial services company, does not commingle "all purpose" and "restricted use" account funds, and then returns those funds to the "all purpose" account prior to making any expenditures or contributions, the deposit will not be considered an impermissible transfer under Regulation 18534.

#### **Leticia Flores**

[A-23-043](#)

In connection with the August 29, 2023, election in Riverside County, candidates and their 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 20, 2023, covering the period January 1, 2023, through July 15, 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 Renteria for Governor 2018, Amanda Renteria, and Gary Crummitt; FPPC No. 22/201.** Staff: Theresa Gilbertson, Senior Commission Counsel. Amanda Renteria is represented by Richard Rios of Olson Remcho LLP. Gary Crummitt is represented by Michael Farr and Cary Davidson of Reed & Davidson, LLP. This case arose from an audit performed by the Franchise Tax Board's Political Reform Program. Amanda Renteria was an unsuccessful candidate for Governor during the June 5, 2018 Primary Election. Renteria for Governor 2018 was their candidate-controlled committee. Gary Crummitt served as the Committee's treasurer. The Committee, Renteria, and Crummitt failed to make all expenditures from the designated campaign bank account, in violation of Government Code Section 85201 and Regulation 18524 (1 count), erroneously made an expenditure that was not reasonably related to a political purpose, in violation of Government Code Section 89512 (1 count), and failed to timely disclose activity on campaign statements, in violation of Government Code Section 84211 (1 count). **Fine: \$9,500.**

### Campaign Contribution Limits

**In the Matter of Join Travis Allen to Repeal the Gas Tax Ballot Measure Committee, Major Funding By PISF, Inc., and Travis Allen; FPPC No. 18/236.** Staff: Christopher B. Burton, Acting Chief of Enforcement and Paul Rasey, Special Investigator. Travis Allen was an unsuccessful candidate for Governor in the June 5, 2018 Primary Election. Join Travis Allen to Repeal the Gas Tax Ballot Measure Committee, Major Funding By PISF, Inc. was a primarily formed ballot measure committee controlled by Allen. The Committee and Allen improperly made expenditures of controlled ballot measure committee funds for a purpose unrelated to a ballot measure, in violation of FPPC Regulation 18521.5, subdivision (d) (1 count). **Fine: \$3,500.**

## Legislation

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

**Status:** Referred to the Assembly Elections Committee

**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 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.

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

**Status:** Introduced

**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.

Other Commission Proposals:

- Lobbying of Local Redistricting Commissions
- Require Redaction of Private Financial Information
- Contributor Education and Certification Requirement
- Long Arm Statute
- Minor Changes/ Cleanup Bill

- **[SB 724 \(Glazer\) – Disclosure of paid communications that identify an elected state officer](#)**

**Coauthor:** Senator Wilk

**Status:** Introduced

**Short Summary:** SB 724 would require a new report when a person makes or receives a payment for certain communications that clearly identify an elected state officer.

**Detailed Summary:**

*Existing law on communications identifying a candidate:* Existing law requires a person to file a report with SOS if the person pays or promises to pay for certain communications that clearly identify a candidate for elective state office, but do not expressly advocate the election or defeat of the candidate, if they are published within 45 days of an election.

*New reporting requirement for communications identifying an elected state officer:* SB 724 would require a person to file a new report if the person pays or promises to pay, or receives payment, for a communication described below.

1. The person pays or promises to pay \$25,000 or more, or the person receives or is promised \$5,000 or more, for the communication.
2. The communication clearly identifies an elected state officer.
3. The communication was made with the intent to influence the officer or public opinion.
4. The communication is published within 150 days of an election.

*Reporting deadline:* The bill would require that the report is filed online or electronically with the SOS within 48 hours of the payment or promise.

*Report contents:* The bill would require that the report include the name of the person, address, occupation, and employer, and amount of the payment.

*Exception:* A person receiving payment is not required to report if the person is in the business of providing goods or services and receives or is promised the payment for the purpose of providing those goods or services.