

Date of Hearing: April 23, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1418 (Elections & Redistricting Committee) – As Introduced: March 20, 2013

SUBJECT: The Political Reform Act of 1974: omnibus bill.

SUMMARY: Makes various minor and technical changes to the Political Reform Act of 1974 (PRA). Specifically, this bill:

- 1) Repeals a requirement that campaign statements must be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election in the offices of the Secretary of State (SOS), the Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.
- 2) Corrects an erroneous cross-reference in a provision of the PRA that governs the civil service classification of staff positions at the Fair Political Practices Commission (FPPC).
- 3) Makes technical changes to conform to the "top two" primary election system and related legislation.

EXISTING LAW:

- 1) Creates the FPPC, and makes it responsible for the impartial, effective administration and implementation of the PRA.
- 2) Requires campaign statements to be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election in the offices of the SOS, Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.
- 3) Requires specified committees to indicate on their statements of organizations whether they support or oppose candidates or measures and whether such candidates or measures have common characteristics, such as a political party affiliation.
- 4) Requires a committee that is controlled by a candidate for partisan office to indicate on its statement of organization the political party with which the candidate is affiliated.
- 5) Prohibits any non-clerical staff position at the FPPC from being included in the same class in the civil service classification plan with any position of any other department or agency.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) Purpose of the Bill: This is one of the Assembly Elections & Redistricting Committee's annual omnibus bills, containing various minor and technical changes to the PRA.
- 2) Availability of Campaign Statements: When it was first enacted, the PRA required statewide office holders, candidates for statewide office, and certain other statewide campaign committees to file a copy of all campaign reports with the Registrars of Voters in Los Angeles and San Francisco counties. To ensure that voters had access to these campaign reports immediately before an election, the PRA subsequently was amended to require the offices of the SOS and of the Registrars of Voters in Los Angeles, San Diego, and San Francisco counties to be open for public inspection and reproduction of campaign statements from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election.

Since that time, the Legislature has taken a number of steps to make these campaign reports more publicly accessible, including setting up an online campaign disclosure database, requiring most candidates and committees active in campaigns for state office to file campaign disclosure reports electronically, and requiring the SOS to make other specified reports available online even when those reports are not required to be filed electronically.

Given the increased availability of campaign reports online, the SOS and counties have reported that it is uncommon for the public to come to their offices on the Saturday before a statewide election to view or obtain copies of campaign statements. In fact, the SOS indicates that no member of the public has visited that office during these hours for the last several election cycles.

In light of the increased availability of campaign reports online, this bill repeals the requirement for the offices of the SOS and of the Registrars of Voters in Los Angeles, San Diego, and San Francisco counties to be open for public inspection and reproduction of campaign statements on the Saturday preceding a statewide primary or statewide general election.

- 3) "Top Two" Cleanup: In February 2009, the Legislature approved SCA 4 (Maldonado), Res. Chapter 2, Statutes of 2009, which was enacted by the voters as Proposition 14 on the June 2010 statewide primary election ballot. Proposition 14 implemented a top two primary election system in California for most elective state and federal offices. At the same time that it passed SCA 4, the Legislature also approved and Governor Schwarzenegger signed SB 6 (Maldonado), Chapter 1, Statutes of 2009, which made various changes to state statute that became effective upon the approval of Proposition 14 by the voters. Among other provisions, SB 6 provides that individuals who select a political party when registering to vote are no longer considered to be affiliating with that party, but instead are declaring a preference for that political party. One section of the PRA, however, still refers to candidates' political affiliations, rather than their political preferences.

This bill makes conforming changes to that section of the PRA to reflect the changes that were made by SB 6.

- 4) Civil Service Classification: In 1985, the state's laws governing the state civil service Personnel Classification Plan were reorganized, and a number of code sections were renumbered. However, a section of the PRA that cross-references those laws was never updated.

This bill corrects that outdated cross-reference.

- 5) Political Reform Act of 1974: California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen

Opposition

None on file.

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