

# California City Clerks' New Law Seminar



**Dr. Alana Jeydel, Manager  
Education Program  
Fair Political Practices Commission  
December 2020**

# Before We Begin, I Just Want to Say...



Congratulations on another successful election and **thank goodness** it's over!

# Today's Topics

- Campaign
  - Recap
- Form 700
  - Recap
- New Laws and New Regulations for 2021
- Enforcement Referrals
- Looking Ahead

# Year End Checklist

- Semi-annual Form 460 due February 1, 2021 for all open committees (Jan 31 falls on a Sunday in 2021)
- Did you have a November election? Defeated candidates without committees (Form 470 filers) have no further filing obligations
- Incumbents file either a Form 470 or 460 by August 2, 2021 (July 31 is a Saturday) (less than \$200 salary exception applies)
  - Note: An official with an open committee in another jurisdiction is not eligible to file Form 470 with you

# Elections in 2021?

## Candidate Filing Overview

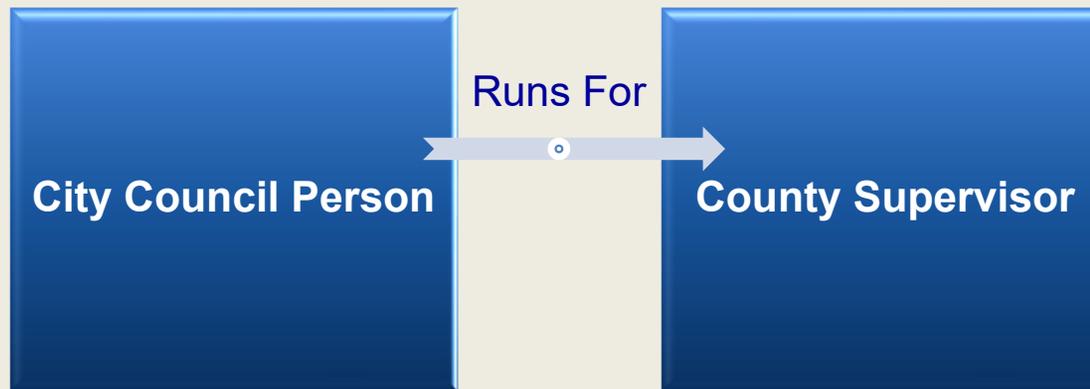
- Re-election: Incumbents must file Form 501 and, if using existing committee, amend Form 410 to indicate current election and change committee name
- Provide Local Candidate Manual 2, Forms 501, 410, 460, 470, 497, Form 700 and filing schedule to candidates

# Campaign Statements

## Local Electronic Filings

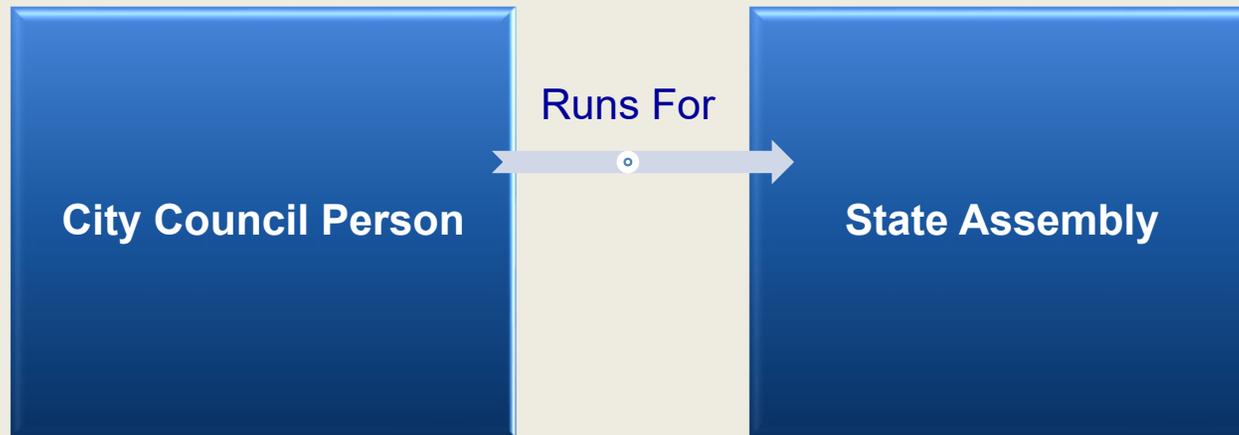
- Local agencies may approve ordinances permitting or requiring electronic filing of campaign statements
- Redaction requirements exist for Internet postings
- You may not redact any information whatsoever on paper copies when requested
- Paper filings are not required as long as criteria in Section 84615 are met

# Multiple Committee Filing Requirements



Files campaign statements for both offices  
with City Clerk and County Clerk/ROV

# Multiple Committee Filing Requirements



**Files statements for both offices with city and SOS**

**If state committee files electronically with SOS(which all will be doing by Feb 2021), city committee must also file electronically with SOS and no Assembly filing required with the city**

# Local Campaign Ordinances

## Local Campaign Ordinances

A local jurisdiction may enact a campaign ordinance that provides for additional or different campaign requirements for committees active exclusively in its jurisdiction as long as the provisions are *stricter* than those in the Act.

While the FPPC may neither interpret nor comment on the viability, enforceability, or constitutionality of a local ordinance, we are not constrained from identifying those provisions that may conflict with or impede a person's compliance with the Act.

Cities and counties that have adopted a campaign finance ordinance must submit a copy to the FPPC [here](#). The FPPC has received information from the agencies listed below, and the posted ordinances are the latest versions provided to the FPPC. For questions interpreting any of these provisions, or to check on any amendments to the ordinances, please contact the local jurisdiction directly.

Cities



Counties



Special Districts



- Ordinances are posted on FPPC's website
- Review to ensure we have the most recent version
- Send updates to [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov)
- Providing a link to your website is preferred.

# Post-Election Form 700 Recap

## Assuming/Leaving Office Form 700 Exceptions

It is not necessary to obtain an assuming or leaving office Form 700 under the following situations:

- Re-election or re-appointment to the same position
- 87200 filer assumes another 87200 position within 45 days – e.g., Planning Commissioner elected to City Council

**Remember:** A filer who assumes office between October 1 and December 31, 2020 is not required to file an annual Form 700 by April 1 of 2021.

# Form 700 2021 Update

- The updated Form 700 for 2020 and Reference Pamphlet will be posted the first week in January.
- An email reminder will be sent to all filing officers including a newsletter with important reminders and electronic filing updates and instructions
- No major changes to Form 700 and no changes to reporting rules this year
- Gift factsheets will be updated soon
- Form 700 is due on **April 1**, 2021

# Managing Your FPPC Form 700 Filers

- Filers whose statements are forwarded to FPPC will use either their agency's FPPC certified electronic filing system or FPPC's electronic system to file their Form 700s.
- ***For original statements that you forward to the FPPC that aren't e-filed:*** Forward assuming, annual, and leaving office original "wet signature" statements to the FPPC within five days of the filing deadlines.

# Form 700 Electronic Filing for FPPC Filers – Questions?

Contact your FPPC filing officer:

- ▶ Cities A-M: Sonia Rangel [srangel@fppc.ca.gov](mailto:srangel@fppc.ca.gov)
- ▶ Cities N-Z: Laura Mandler [lmandler@fppc.ca.gov](mailto:lmandler@fppc.ca.gov)
- ▶ Counties: Cyndi Glaser [cglaser@fppc.ca.gov](mailto:cglaser@fppc.ca.gov)
- ▶ Multi-County Agencies: Christine Chen [cchen@fppc.ca.gov](mailto:cchen@fppc.ca.gov)

# Political Reform Act

New Laws – 2021 and beyond

# AB 571: Local Contribution Limits

## Effective 1/1/2021

### Statewide Default Contribution Limits:

Cities and counties without a candidate contribution limit will have to adhere to the state default contribution limit (\$4,900 for 2021-22). The FPPC is charged with enforcing the default contribution limit. The FPPC will not enforce a city or county's contribution limit unless under contract to do so. The statewide default contribution limit will be adjusted for inflation in January of every odd-numbered year.

(AB 571 (Mullin) – Chapter 556, Statutes of 2019)

### What this means:

No changes to your city or county if your jurisdiction has adopted or will adopt its own contribution limit ordinance. Please report it to the FPPC. Jurisdictions without a limit may wish to inform its candidates of the upcoming change in 2021.

# AB 2151

Effective January 1, 2021

▶ **Online Filing and Disclosure System:**

- Requires a local government agency to post on its internet website, within 72 hours of the applicable filing deadline, a copy of any specified statements, reports, or other documents filed with that agency in paper format.
- This bill further requires that the statements, reports, or other documents be made available for four years from the date of the election associated with the filing.

# Cal-Access Delay

## Effective February, 2021

### Cal-Access Launch Date Delayed until February 2021

Under new legislation adopted by a Budget Trailer Bill, the Legislature has moved the deadline to launch the Cal-Access Replacement System from February 2020 to February 2021 to give the Secretary of State more time and resources to fully complete the project.

(SB 84 (Senate Budget Committee) – Chapter 30, Statutes of 2019)

### What this means:

There are numerous changes conditioned on the certification of the Cal-Access Replacement System, including the Secretary of State moving to a paperless filing model. This will effect committees, candidates, and electronic filing vendors.

# AB 909:Treasurers

## Effective Upon Certification of Cal-Access

### Acknowledgement of Treasurer and Assistant Treasurer Duties and Liabilities

A treasurer and assistant treasurer (if there is one) identified on the Statement of Organization must sign a separate statement acknowledging cognizance of the law. Requires the Statement of Acknowledgment to be filed with the Secretary of State at the same time as the Statement of Organization or an amendment identifying a new treasurer or assistant treasurer. This bill becomes operative upon certification of the new Cal-Access System.

(AB 909 (Gallagher) Chapter 313, Statutes of 2019.)

### What this means:

This will not be a new paper form. This requirement will be an electronic requirement built into the Secretary of State's Cal-Access system. A Form 410 Statement of Organization will not be accepted if this acknowledgment has not been made by the treasurer and assistant treasurer.

# New Contribution and Expenditure Limits

- ▶ The FPPC is required to make cost of living adjustments to reflect changes in the Consumer Price Index in January of every odd-numbered year.
- ▶ Updated charts are posted to FPPC's website.
- ▶ The updated charts will be live by the end of December.

# Political Reform Act

New Regulations 2020-21

# Gift Limit Increase

**\$520**

For 2021 and 2022

Watch for current limit of \$500 on the 2020  
annual Form 700s filed by 4/1/21

Regulation 18940.2  
Effective 1/1/2021

# Regulations

## Regulation 18531: Returning of Excessive Contributions

- ▶ Amendments to Regulation 18531 allow for the return of an excessive contribution within 14 days of receiving the contributions without violating contribution limits,
  - But only if the committee does not deposit or allow deposit of the contribution with actual knowledge that the contribution exceeds the limits or make use of the contribution prior to returning it.

# SEI New Regulations 18115, 18115.1, 18115.2, 18723.1, 18732.5, 18735, and 18754

- ▶ Among other changes, these amendments:
  - Revise filing officers' duties with respect to these statements and reports by providing separate processes for the review of statements submitted in paper format and those submitted electronically,
  - Expressly provide that a statement of economic interests electronically filed through an electronic filing system that has been approved by the Commission is an original statement.
  - Further to reduce duplicative filings and to improve staff efficiency, the proposed update would specify filing processes for statements of economic interests of certain public officials who hold multiple positions subject to filing requirements.
  - They also revise processes for certain specified officials' filing of statements of economic interests so that those processes better accord with the capabilities of approved electronic filing systems, and make other technical, non-substantive changes

# Managing Non-Fileers

Enforcement Referrals

# Making a Non-Filer Referral to FPPC?

Filing officers ***must*** submit referrals to the Enforcement Division using the Electronic Complaint System.

Provide all the information requested including:

- The most recent filing
- Copies of your notifications (at least two written notifications must be made prior to referral)
- A copy of the conflict of interest code (if applicable)

You will receive an email confirming receipt of the referral and notification when the FPPC takes action on the referral.

# Enforcement Non-Filer Referral Program



For Official Use Only.

The Referral section is only for use by Local and State Filing Officers and Officials.  
Do not complete this section if you are trying to file a Complaint.

- SEI Non-Filer
- Campaign Statement Non-Filer
- Lobbying Report Non-Filer
- Annual Fee

## Notification Information

Select the type of Notification you attempted.

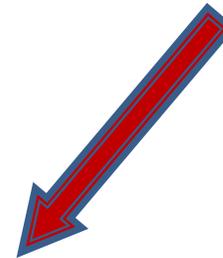
- Mail
- Email
- Telephone call
- In-person Contact

Date Attempted or Completed:

Attach a copy of each Notification for this missing filing. \*

 Browse...

+ Add Another Notification



# Form 700 Late Fine Payments and Enforcement Penalty Payments

FPPC now provides a method for candidates, public officials and others to pay a late fine or an Enforcement penalty by credit or debit card via FPPC's website



 CALIFORNIA  
**Fair Political Practices Commission**

**Payment**

**Payee Information**

First Name  Last Name   
Phone  Email ID   
Case Number   
Additional Comments

**Billing Address**

Street  City   
State  Zip (Postal) Code

**Payment Information**

Payment Amount

Payment Method 

Card Number   
Expiry Date   
CVV

Captcha  I'm not a robot   
[Privacy - Terms](#)

**Transaction Summary**

Amount Due  
Convenience Fee  
Total Amount Due

A convenience fee of 3.0 % will be charged by a third party processor for this transaction.

# FPPC's Website – Resource for Filing Officers

**Integrity & Transparency**  
The nonpartisan FPPC is the agency primarily responsible for the fair application, interpretation, and enforcement of the Political Reform Act.

*File a*  
**Form 700**

*How to*  
**File a Complaint**

*Need a Form?*  
**View All Forms**

I Want To...

**View** Find File Get Involved

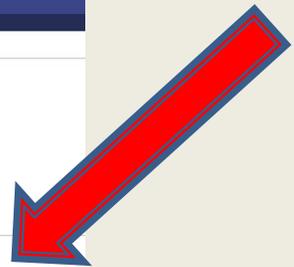
- Filing Deadlines
- Form 700s Filed by an Elected Official
- Upcoming Events
- Training and Outreach
- Enforcement Case Resolutions
- Hearings, Meetings and Workshops
- Agendas for Commission Meetings
- Webinar Videos

Resources For...

- Filing Officers**
- Candidates & Committees
- Public Officials & Employees
- Lobbyists

**Resources for Filing Officers...**

- Campaign Filing Officer Duties
- Form 700 Filing Officer Duties
- Form 700 Electronic Filing Certification for an Agency's Internal Filers
- Ask FPPC for Advice
- FPPC Training & Outreach



# What's Ahead for FPPC?

- Form 700 trainings are being scheduled throughout the state for both filing officers and filers. If you are interested send an e-mail to [seminars@fppc.ca.gov](mailto:seminars@fppc.ca.gov)
- New training videos being developed for our website for common questions.
- The campaign manuals were updated in June 2020 and will again be updated early next year with the new laws for 2021.
- We are continuing to update our website – comments and suggestions always welcome.

# Keep in Touch

- Toll-Free Advice Line: (866) 275-3772
- Email: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov)
- Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)
- Facebook: CA FPPC
- Twitter: @CA\_FPPC
- Sign up for mailing lists to stay up to date

**We're Here to Help!**

