

California City Clerks' New Law and Elections Seminar



Presented by Trish Mayer, Assistant Chief

Fair Political Practices Commission

December 2018

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



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

Today's Discussion

- ✓ Campaign
 - Recap and New Rules for 2019
- ✓ Form 700
 - Recap and New Rules for 2019
 - Electronic Filing Update
- ✓ 800 Series Forms
- ✓ What's Ahead?

Post November Election Checklist

- ✓ Semi-annual Form 460 due January 31, 2019 for all open committees
- ✓ SOS annual fee notifications were sent at the end of November and payments are due by January 15
- ✓ Defeated candidates without committees (Form 470 filers) have no further filing obligations
- ✓ Incumbents file either 470 or 460 by July 31, 2019 (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 2019? 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 adopt an ordinance 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



Multiple Committee Filing Requirements



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
- Providing a link to your website is preferred

New Campaign Laws

Effective 1/1/2019

Change of Primary Election date:

The Prime Time Primary Act moves the statewide primary from June to the first Tuesday after the first Monday in March for presidential and non-presidential election years.

(SB 568 (Lara) – Chapter 335, Statutes 2017)

What this means:

FPPC will post filing schedules for the March 3, 2020 elections early in 2019.

More New Campaign Laws Effective 1/1/2019

Disclose Act clean up and ad disclaimer clarifications:

This bill excludes additional types of communications from the definition of advertisement, including certain electronic media communications requested by the recipient and communications solicited by the recipient.

(AB 2155 (Mullin) – Chapter 777, Statutes 2018)

What this means:

Email or text messages sent to recipients who requested messages from the entity or other communications solicited by the recipient do not require disclaimers.

More New Campaign Laws Effective 1/1/2019

Disclose Act clean up and ad disclaimer clarifications:

This bill also makes various formatting changes to television, video, print, and electronic media ads paid for by a committee (other than a political party committee or candidate controlled committee established for the candidate's election) (e. g., certain text centered, not underlined, etc.).

(AB 2155 (Mullin) – Chapter 777, Statutes 2018)

What this means:

FPPC will post updated disclaimer charts after the first of the year and update disclaimer information in the manuals. This bill does not affect advertisements by a candidate for their own election.

New Campaign Laws - Miscellaneous Effective 1/1/2019

Local campaign enforcement:

Authorizes the governing body of a local agency to contract with the FPPC for the administration, implementation, and enforcement of its local campaign finance or government ethics law. The authorization is limited to jurisdictions with a population of less than 3,000,000.

(AB 2880 (Harper) – Chapter 394, Statutes 2018)

What this means:

FPPC could be more involved with local campaign rules and enforcement in coming years.

More New Campaign Laws - Miscellaneous Effective Upon Certification of SOS's New E-filing System

Secretary of State's Cal-Access clean up:

In general, this bill recasts certain provisions regarding the processing of campaign statements filed with SOS to provide for the filing, verification, delivery, amendment, retention, and inspection of those documents electronically. This bill repeals the monetary thresholds, thereby making electronic filing requirements applicable to all state filers.

(SB 1239 (Hertzberg) – Chapter 662, Statutes 2018)

What this means:

This bill generally does not affect local candidates or committees except that local officials running for a state office will be required to file electronically with SOS regardless of activity thresholds.

More New Campaign Laws - Miscellaneous

Effective 1/1/2020

New advertisement disclaimer rules:

This bill changes certain disclaimer requirements for electronic media ads and requires an online platform to maintain and make available a record of any request to purchase an ad on the online platform made by a committee of \$500 or more during the preceding 12 months. This bill also requires candidates to include a disclaimer on electronic media ads for their own election.

(AB 2188 (Mullin) – Chapter 754, Statutes 2018)

What this means:

Beginning 1/1/2020, an electronic media ad, including a social media ad by a candidate must include certain disclaimers. FPPC will update the advertising disclosure charts accordingly. Watch for potential clarifying regulations.

Potential FPPC Sponsored Legislation

Proposals include:

- Expanding the bank account requirement to include all recipient committees, not just candidate committees
- Requiring principal officers to sign Form 410
- Requiring treasurers to sign a separate statement acknowledging their duties and potential liability when forming a committee
- Prohibit bank account numbers from being publicly released on Form 410
- Clean up of Section 87500 (where to file Form 700) to align better with electronic filing

Potential FPPC Sponsored Legislation

Proposals include:

- Prohibit campaign funds from being used to pay expenses arising from sexual harassment charges
- Additional Disclose Act (disclaimer rule) clean up
- Incorporating certain long-standing regulations into statute
- Eliminate forever retention on campaign statements filed by elected officials and instead propose a ten year retention from the date the official leaves office

And suggested by you...

New Contribution and Expenditure Limits for State Candidates

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.

Contribution Limits for State Candidates

Voluntary Expenditure Ceiling Limits for State Candidates

State Officeholder Account Limits

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



Enforcement News

FPPC's Enforcement Division once again completed the proactive campaign pre-election filing program in 2018 and reached out to:

- All counties
- All cities holding elections in June or November with a population over 100,000
- Anyone else wishing to participate

In November, 34 counties and 56 cities participated in the program. We reached out to 317 pre-election non-filers and achieved **almost 100% compliance before the election.**

FPPC's Enforcement Division would like to extend a big **THANK YOU** to those clerks and filing officers who participated.

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

The screenshot shows the FPPC website's payment interface. At the top, the logo for the California Fair Political Practices Commission (FPPC) is displayed. The page is titled "Payment" and is divided into several sections:

- Payee Information:** Includes fields for First Name, Last Name, Phone, Email ID, and Card Number. There is also a field for "Additional Comments".
- Billing Address:** Includes fields for Street, City, State (pre-filled with "CA - California"), and Zip (Postal) Code.
- Payment Information:** Includes a field for "Payment Amount" and a "Payment Method" section with a radio button for "CREDIT/DEBIT" and logos for American Express, Visa, and Mastercard. Below this are fields for Card Number, Expiry Date, and CVV. There is also a "CAPTCHA" field with a checkbox for "I'm not a robot".
- Transaction Summary:** A box on the right side showing "Amount Due", "Concessions Fee", and "Total Amount Due". A small note below it states: "A convenience fee of 2.5% will be charged (if it is not already provided) for this transaction."

A blue starburst graphic with the text "NEW!!" is overlaid on the left side of the form.

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, 2018 is not required to file an annual Form 700 by April 2 of 2019.

Form 700

2019 Update

- The updated Form 700 for 2018/2019 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 2**, 2019

Form 700 Filings in 2019

- List of individuals whose statements are filed with FPPC was sent to all cities the week of November 13 for review.
- Update FPPC's electronic filing system with any changes

Note: For cities utilizing their own e-filing program, filers' names/position titles must match exactly with ours in order for filings to upload into our system

It's your responsibility to ensure statements filed through your system are uploaded to our system

Gift Limit Increase

\$500

For 2019 and 2020

Watch for current limit of \$470 on the 2018 annual
Form 700s filed by 4/2/19

Regulation 18940.2
Effective 1/1/2019

Form 700 Electronic Filing for FPPC Filers – **Questions?**

Contact your FPPC filing officer:
Sonia Rangel at [Form 700@fppc.ca.gov](mailto:Form700@fppc.ca.gov)

Forms 804 and 805

What if...

- Your city creates and fills new positions not yet listed in your conflict of interest code?
- You've hired a consultant and the specific role is not listed in your city's conflict of interest code?

New Positions - Form 804

- Individuals serving in a new position created on or after January 1, 2010, must file under the broadest disclosure category in your city's code (Regulation 18734)
- City may provide more limited disclosure by using Form 804
- Add newly created positions to the conflict of interest code when it is amended

New Positions - Form 804

- Identifies new positions that will make or participate in making governmental decisions (Regulation 18704)
- Identifies level of disclosure for filers
- Maintained at your office in same manner as your conflict of interest code
- Persons in newly created positions must file Form 700 within 30 days of assuming office
- The Form 804 is recommended as it promotes uniform reporting among agencies

Agency Report of: New Positions		A Public Document		California Form 804
1. Agency Name <small>(Show Jurisdiction, Division, Department, or Region if applicable)</small>			<input type="checkbox"/> Amendment	
City of Waterville			Date of Original Filing _____ <small>(month, day, year)</small>	
Agency Contact				
Malissa Brewer				
Phone Number		Email		
555-555-1212		M Brewer@watergov.org		
2. New Position Information				
Position Title/Classification and Job Summary	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date (Optional)
Data Processing Manager (Manages IT Department)	3			Start <u> </u> / <u> </u> / <u> </u> XX or <u> </u> / <u> </u> / <u> </u> 'yr
Licensing Director (Duty statement attached)			All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, from entities of the type subject to licensing or regulation by the department.	Start <u> </u> / <u> </u> / <u> </u> XX or <u> </u> / <u> </u> / <u> </u> 'yr
				Start <u> </u> / <u> </u> / <u> </u> 'yr
				Start <u> </u> / <u> </u> / <u> </u> 'yr

Consultants - Form 805

- Consultants/contractors must file Form 700 if the individual makes/participates in making governmental decisions (Regulation 18734)
- Disclosure must be based on job duties
- Form 805 is used to limit disclosure, if necessary
- Filed by individual, not business entity
- Assuming, Annual and Leaving Office Form 700s apply
- Unsure of who is a consultant? Contact your city attorney

Consultants - Form 805

- Identifies consultants that will make or participate in making governmental decisions on behalf of the agency (Regulation 18700.3)
- Disclosure requirements should conform to the range of duties
- Alternatively, the agency must require filing under the broadest disclosure category
- Agencies must have written documentation regarding consultants. Form 805 is recommended as it promotes uniform reporting among agencies. It is maintained at your agency in the same manner as your conflict of interest code.

Example of Part 2 & 3

2. Firm Name
 ABC Company
 Firm Address
 1010 Capital St., Sacramento, CA 95814
 E-mail (optional) jrbcc@company.com
 E-mail (required)
 Describe the General Purpose of Contract
 Prepare an EIR on airport expansion

3. Consultant Information

Consultant Name (Last, First)	Assigned Category	OR	Disclosure Requirement	Assessment Date (Month/Day/Year) If None:
Hector Rodriguez	3			Start: 7/17/06 7/18/10 End: 12/12/06 8/10/10

Forms 801 and 802

What if...

- Your city received a payment from a third party that was used for city purposes?
- Your city has distributed tickets to an entertainment, sporting or similar event?

Payment to Agency Report - Form 801

- Discloses payments made to your city when the payments provide a personal benefit to city official
- Payments must be used for official city business and must meet other criteria in Regulation 18944 or 18950.1
- Posting on city's website is required if aggregate payments total \$2,500 or more in a calendar quarter
- Form 801 reporting travel payments totaling \$2,500 or more is also forwarded to FPCC
- Others are retained by city's Form 700 filing officer

Payment to Agency Report		A Public Document	
1. Agency Name City of Waterville Division, Department, or Region (if applicable) City Manager's Office Street Address 915 J Street, Waterville, CA 92600 Area Code/Phone Number (include) 555-555-1212 Agency Contact (name and title) Melissa Brewer		Date Stamp California Form 801 For Filing Use Only	<input type="checkbox"/> Assessed (option is covered section) Date of Original Filing: (month, day, year)
2. Donor Name and Address <input type="checkbox"/> Individual Last Name First Name City State ZIP Code 7294 Auburn Blvd Waterville CA 92600 <input checked="" type="checkbox"/> Other ABC Corporation Electric Company If Other, describe the entity's business activity (if business) or its nature and interests. If Other, identify the name of each source and the amount(s) received by the donor for this payment. Name Amount Name Amount			
3. Payment Information (Complete Sections 3.1 (a or b), 3.2, 3.3) 3.1 (a) Travel Payment (Portland, Oregon) 3/22/XX - 3/25/XX Northwest Airlines Transportation Expense <input type="checkbox"/> Rail <input checked="" type="checkbox"/> Air <input type="checkbox"/> Bus <input type="checkbox"/> Auto <input type="checkbox"/> Other <input type="checkbox"/> Ticket Holders 876.00 429.00 742.00 226.00 2,275.00 Lodging Expense Meal Expense Transportation Expense Other Expense Total Expense			
3.1 (b) Payment(s) not related to travel: Date (month, day, year) \$ Total Expense			
3.2. Payment Description. Provide a specific description of the payment and its agency purpose and use.			
3.3. Identify the officials who used the payment in Section 3.1 (see instructions) Brown, Joseph Asst. City Manager City Manager's Office Last Name First Name Position Title Department/Division Green, Shari Project Manager IT Department Last Name First Name Position Title Department/Division			
4. Verification I authorize the acceptance of the reported payment(s) as in compliance with FPCC regulations. Melissa Brewer Melissa Brewer City Manager 4/15/XX Signature Last Name Title (month, day, year)			

Ticket/Pass Distribution- Form 802

- Regulation 18944.1 sets out the circumstances when a city's distribution of tickets does not result in gifts to officials attending certain events.
- Before utilizing these provisions, your city must adopt a ticket policy which identifies the public purpose served in distributing the admissions.
- When the procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. City officials do not report the admissions on Form 700.

Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions		A Public Document	
1. Agency Name County of Hillsdale Division, Department, or Region (if applicable): Board of Supervisors' Office Designated Agency Contact (Name Title): Adrienne Rivera Area Code/Phone Number: 555-555-0294 E-mail: arivera@hillsdalecogov.org		Date Stamp	California Form 802 <small>For Official Use Only</small>
2. Function or Event Information Does the agency have a ticket policy? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Face Value of Each Ticket/Pass \$ 105 Event Description: Dancing on top Please Print: Date(s) 2 / 12 / XX Ticket(s)/Pass(es) provided by agency? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no: _____ Was ticket distribution made at the behest of agency official? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes: Smith, Margo <small>(Official's Name (Last, First))</small>		<input type="checkbox"/> Amendment (Must Provide Explanation in Part 3): Date of Original Filing: _____ <small>(Month Day Year)</small>	
3. Recipients <small>* Use Section A to identify the agency's department or unit. * Use Section B to identify an individual. * Use Section C to identify an outside organization.</small>			
A.	Name of Agency, Department or Unit	Number of Ticket/Passes	Describe the public purpose made pursuant to the agency's policy
B.	Name of Individual (Last, First)	Number of Ticket/Passes	Identify one of the following: Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Following Ceremonial Role or Other Describe Below: _____ Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Following Ceremonial Role or Other Describe Below: _____
C.	Name of Outside Organization (Include address and description)	Number of Ticket/Passes	Describe the public purpose made pursuant to the agency's policy
	Save a Pet Animal Shelter	5	Policy promote cultural, recreational, and educational facilities in the county

Form 802 - Filing

You are no longer required to send Form 802 to FPPC, but instead, you will post them on your agency's website and email the link to us at form802@fppc.ca.gov.

Your agency's ticket policy must also be posted on your website and a link must be sent to FPPC.

The FPPC will post on its website a link to the page of your agency's website that contains the ticket policy and the completed 802 forms.

It is not necessary to send an email each time a new Form 802 is posted. After the initial e-mail, it is only necessary to submit the link if the posting location on your website changes.

Regulation 18944.1

What's Ahead for FPPC?

- Form 700 trainings are currently being scheduled throughout the state for both filing officers and filers. Dates and locations will be posted on our website soon.
- Keep an eye out for live half-hour webinars on different topics hosted by FPPC training staff.
- New training videos posted on our website including video "shorts."
- Instructions will be updated on Forms 496 and 497.
- Manuals will be updated during 2019.

FPPC's Website – Resource for Filing Officers

The screenshot displays the FPPC website's navigation and resource sections. At the top, there is a banner for "Integrity & Transparency" with a description of the agency's role. Below this are three main navigation buttons: "File a Form 700", "How to File a Complaint", and "Need a Form? View All Forms".

The "I Want To..." section includes tabs for "View", "Find", "File", and "Get Involved". Under "View", there are links for "Filing Deadlines", "Form 700s Filed by an Elected Official", "Upcoming Events", and "Training and Outreach". Under "Find", there are links for "Enforcement Case Resolutions", "Hearings, Meetings and Workshops", "Agendas for Commission Meetings", and "Webinar Videos".

The "Resources For..." section is highlighted with a red arrow and includes links for "Filing Officers", "Candidates & Committees", "Public Officials & Employees", and "Lobbyists".

Below this, the "Resources for Filing Officers..." section features six icons and their corresponding links: "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", and "Form 700 Electronic Filing Certification for an Agency's Internal Filers".

Keep in Touch

- Toll-Free Advice Line: (866) 275-3772
- Email: advice@fppc.ca.gov
- Website: www.fppc.ca.gov
- Twitter: @CA_FPPC
- Sign up for mailing lists to stay up to date

Interested in hosting a training? Send an e-mail to seminars@fppc.ca.gov



We're Here to Help!