
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Steven Glazer, Chair
2023 - 2024 Regular

Bill No: SB 681 **Hearing Date:** 3/21/23
Author: Allen
Version: 2/16/23
Urgency: No **Fiscal:** Yes
Consultant: Karen French

Subject: Political Reform Act of 1974: amendments

DIGEST

This bill reduces the time from twelve to five days that bills amending the Political Reform Act of 1974 (PRA) be in final form before passage in each house.

ANALYSIS

Existing law:

- 1) Provides that the PRA may be amended by statute if, among other things, the bill in its final form has been delivered to the Fair Political Practices Commission (FPPC) for distribution to the news media and to persons who have requested to receive copies of such bills at least twelve days before passage in each house.
- 2) Existing law requires the Legislative Counsel to make specified information pertaining to legislative measures publicly available in electronic form on a computer network, including the text, bill history, and bill status of each bill introduced in each current legislative session.
- 3) Provides that the Legislature may amend the PRA to further the act's purposes upon a two-thirds vote of each house of the Legislature and compliance with specified procedural requirements.

This bill:

- 1) Requires bills amending to the PRA be in final form at least five days before passage in each house.
- 2) Requires the Legislative Counsel to make available to the public the option to sign up to receive email alerts any time a bill to amend the PRA is introduced or amended, as specified. Requires these email alerts be sent as soon as possible, but no later than one business day after the legislative action that is the subject of the alert.

BACKGROUND

PRA Amendment Deadline Prior to Passage in Each House. The PRA passed in 1974 originally had a requirement that bills be in print in final form for 40 days, but was amended in 1976 by AB 2607 (Keysor), Chapter 883, Statutes of 1976, down to 20 days and in 1985 by AB 869 (Lancaster), Chapter 1200, Statutes of 1985, down to the current twelve days.

Additional Background Provided by the Author. The legislative timeline currently makes it difficult for PRA reform bills to succeed at the end of session. Bills get off the Appropriations suspense file with so little time to spare that an author may have at most one or two days to make floor amendments in time to get voted on before session ends. Sometimes, as in 2021, bills get off suspense late enough that the 12 days makes it impossible to make floor amendments at all. In some cases, the Appropriations Committee may amend a PRA bill coming off suspense with language that does not go into print until after the 12-day deadline has passed. These issues have stopped important amendments on important PRA bills in the past.

COMMENTS

- 1) According to the author: California was the first state in the nation to pass a sweeping political reform law following the Watergate scandal. Proposition 9, passed by voters in 1974 and known as the Political Reform Act (PRA), instituted numerous important transparency reforms including lobbying restrictions and reporting requirements, conflict of interest codes overseeing elected officials and public service employees, and extensive campaign disclosure mandates. The PRA granted the Legislature the authority to amend the Act with a 2/3 vote in each house. Bills amending the PRA must also be in their final form and available for public review for 12 days before being passed by the Legislature.

Important reforms to the PRA have been impeded by timing conflicts between end-of-session Legislative deadlines and the 12-day final form requirement. The legislative calendar currently makes it difficult for PRA reform bills to succeed at the end of the legislative session with Appropriations Committee suspense file hearings leaving little time for critical amendments. In some instances, the Committee may amend a PRA bill after the 12-day deadline has passed - making it impossible for the Legislature to vote on it. Extended periods for public review of these bills is vital to ensuring government accountability and transparency, however, the current timeline dates back to 1985 before the advent of the modern internet when physical copies of bills were distributed by mail.

- 2) Argument in Support. In a letter supporting SB 681, California Clean Monday Campaign states, in part, the following:

Since 1974, the Legislature has enacted a number of significant PRA amendments to improve government accountability and election transparency. These improvements include expanded financial contribution restrictions to more public officials; implementation of a one-year "revolving door" ban on lobbying by former elected officials; and increased transparency in lobbying and political advertising.

Unfortunately, due to how close fiscal committee deadlines are to the end of the legislative session, the requirement that bills amending the act be in print for 12 days often makes it difficult and sometimes impossible to make important amendments before the legislative session ends. SB 681 rectifies this problem by shortening the number of days PRA bills must be in final form from 12 days down to 5 days. To ensure that interested members of the press and public are informed of any new PRA amendments, it also requires Legislative Counsel to make available to the public the option to sign up to receive immediate email alerts any time a bill to amend the PRA is introduced or amended.

With the speed and ease of electronic communications that were not available when the act was passed in 1974, SB 681's shortening of the the period that PRA bills are required to publicly be in their final form will strike a better balance between providing the news media and the public with enough notice of amendments before final votes and allowing sufficient time to make needed amendments after fiscal committee deadlines.

- 3) Recommended Amendments. 1) Amend to change the number of days to seven instead of the current five in the bill, and 2) Add language applying twelve days before final passage for bills that are gutted and amended, where the bill did not previously amend the PRA.

RELATED/PRIOR LEGISLATION

SB 1253 (Steinberg), Chapter 697, Statutes of 2014, created a mechanism for initiative proponents to remove their measure from the ballot before the Secretary of State officially qualifies it for the next general election, with the intent to provide initiative proponents and the Legislature with the ability to resolve a policy issue through the legislative process.

AB 2607 (Keysor), Chapter 883, Statutes of 1976, shortened deadline to 20 days from 40.

AB 869 (Lancaster), Chapter 1200, Statutes of 1985, shortened deadline from 20 days to the current 12.

POSITIONS

Sponsor: California Clean Money Campaign

Support: None received

Oppose: None received

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