



Santa Monica Coalition for a Livable City

STEERING

April 6, 2011

COMMITTEE

& ADVISORS

Chairperson Ann Ravel  
Fair Political Practices Commission  
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Sacramento, CA 95814

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Dear Chairperson Ravel and FPPC taskforce members,

We write in strong support of two important issues that are currently under discussion at the FPPC. First, we urge the FPPC to move forward with the Secretary of State and local jurisdictions to create a single, searchable online database for all data that is required to be reported by the Political Reform Act. Second, we urge the FPPC to revise the rules for slate mailers, and particularly those mailers that claim to be a "Party Voter Guide," to make it clearer to voters that these are commercial advertisements, not official party materials, put out by professional political consultants and paid for, in part, by some of the candidates "endorsed."

SMCLC is a nonprofit group formed by Santa Monica residents in 2005 to take an active role in local development and governance issues. See [www.smclc.net](http://www.smclc.net). In November 2010, after the election in Santa Monica, SMCLC filed a complaint with the FPPC about various election activity improprieties concerning a group calling itself "Santa Monicans for Quality Government," ("SMQG") discussed below, and its political operative, Fred Huebscher. In response, the FPPC issued a warning letter to SMQG and Mr. Huebscher.

We believe there are a number of steps that can and should be taken now to clean up the campaign disclosure process and to make it transparent, fair, and easy to access. These reforms would prevent the irregularities specified below from recurring in every election cycle in Santa Monica or elsewhere in California and eliminate voter confusion.

### **Adopting an Online Searchable Statewide Database for All Election Activities**

In our recent Santa Monica election, SMQG registered with the State as a state slate mailer organization in order to produce and mail a series of inaccurate and misleading mailers solely concerning the local city council race. SMQG flouted the local law requiring it to file a copy of its campaign disclosure reports with the Santa Monica City Clerk and filed them instead in paper form with the Secretary of State. SMQG then refused to make the reports available to the community, claiming it had complied with its state filing obligations.

The group, a front for wealthy developers with large projects pending in Santa Monica, used a local sounding name - Santa Monicans for Quality Government -- and a local address in connection with its series of misleading and inaccurate mailers.

Thereafter, due most likely to a backlog of filings with the Secretary of State's office, Santa Monica voters and the local press were deprived of access to this important election finance information before the Nov 2<sup>nd</sup> election. This financial information is important as it would have revealed the identity and bias of this group which voters could then consider when deciding how to vote.

SMQG's deliberate strategy of bypassing Santa Monica's local e-filing system worked to SMQG's benefit (and the developers who funded the group) by effectively concealing the developers' identities and contributions until the election was over.

Implementing a consolidated web-based method for statewide electronic filing mandatory for all qualifying state or local committees would end this gamesmanship and provide needed transparency in election campaigns while simplifying compliance for filers.

### **Revising Slate Mailer Requirements So that Voters Are Not Deceived**

Just prior to the Nov 2, 2010 election, SMQG put out a "Democratic Voter Guide" that endorsed state and local candidates and measures. It had the appearance of an official party publication and voters were encouraged to take it into the voting booths with them to guide their voting. We've heard from poll workers in Santa Monica that many residents used them to vote, mistakenly believing them to be FROM the Democratic Party.

This means that the disclaimer currently required by the FPPC does not make the lack of party affiliation clear enough. A clear, bold and large text subheading, directly under the title "Democratic Voter Guide" which states that this is "NOT THE OFFICIAL SLATE OF ANY POLITICAL PARTY - IT IS PAID COMMERCIAL ADVERTISING" needs to be required, there and on every page of the booklet.

The asterisk system to identify paid endorsements from some of the candidates is also ineffectual. For example, in our local election, City Council candidates Gleam Davis and Pam O'Connor had asterisks by their names as having paid for the slate mailers. But in reality they didn't make a minimal payment for them until after they were re-elected, according to the January 2011 SMQG filing. This delay meant there was no way for voters to have this information before the election. This information needs to be made meaningful - by providing a better explanation and by requiring the mailers be paid for when they are mailed, so that the related disclosures are discoverable before voters cast their votes.

Finally, where "big money" is behind these slate mailers, as was the case in Santa Monica, where only a few developers and those who do business with them bankrolled mailers costing over \$40,000, the top payees over a certain threshold amount should be named on the mailers with a readable footnote (paid for by Hines Corporation, Armbruster law firm and X) so voters know who is behind the mailers. Without that, the electorate is left in the dark.

Each of these changes is doable and each goes to the heart of making our democracy work by eliminating voter confusion and deception.

Thank you for your consideration of these needed reforms.

Sincerely,

Diana Gordon  
Co-Chair

CC: Santa Monica City Attorney Marsha Moutrie  
Santa Monica City Clerk Maria Stewart  
Santa Monica Democratic Club  
Neighborhood Associations