

**NATIONAL ASSOCIATION FOR EQUAL JUSTICE IN AMERICA
(NAEJA)**



March 24, 2016



Honorable Shirley Weber
Chair, Assembly Elections & Redistricting Committee
1020 N Street, Room 159
Sacramento, CA 95814

OFFICERS

Royce Esters
President (CEO)

Sylvia Penman
Secretary

Frank Millholland
Chief Financial Officer

Dear Assembly Member Weber,

We oppose AB 1828 (Dodd) because in our view it discriminates against women and minorities who benefit from the public, private, and corporate sponsorship of nonprofit educational and charitable activities where Board of Equalization Members, or the State Controller, serve as partners, hosts, co-hosts, or otherwise help coordinate an event.

We also believe this measure violates the Equal Protection Clause under the Fourteenth Amendment and the right to freedom of speech under the First Amendment of the Constitution. It singles out and burdens one class of citizens or residents, based solely on their affiliation with Members of the Board of Equalization and State Controller; and it does not impose the same reporting burdens on other elected officials, such as Judges and Legislators who perform similar if not more impactful duties.

In the intent language, the author states that there is no evidence of any wrongdoing or illegal activity by any BOE Member or the State Controller, nor any evidence that a charitable donation to a nonprofit influenced a Member's or the State Controller's decision on an adjudicatory matter. This is concerning in that the bill has no legal or rational basis for burdening this class of citizens or residents with a literal "reporting impossibility" that impedes their freedom of speech to donate as they wish and denies them equal representation and equal protection, especially when there is no distinguishable difference between these two classes of elected officials.

Decisions by the Board Member can be appealed to a higher authority whereas decisions by Legislators, Judges, and the Governor have a far greater impact on tax law and economic policy, and can only be changed if determined to be unconstitutional, by the people, or by themselves. Conclusively, the Legislature, Judges, and the Governor, have much more far-reaching impact than that of the Members of the Board of Equalization.

If this legislation is enacted, it would be treating a subset of citizens or residents differently than others by burdening those who donate to nonprofits, where a BOE

Board Member or the Controller is involved, with egregious reporting obligations, and granting to all others the special “benefit” of little or no reporting when they donate to nonprofits where other elected officials are involved. This establishes a dangerous precedent for larger and more sweeping inequities and violations of freedom of speech and equal protection, and also constitutes a source for possible future litigation.

This is especially true given that this measure would allow the hundreds of millions of dollars in donations to nonprofits for charitable fundraising events involving the Governor, Judges, other Statewide Officeholders, Commissioners, and Legislators (including Assembly Member Dodd) to go unreported on the presumption that these donations have no impact on their votes, but when the same citizens or residents make donations to nonprofits involving BOE Board Members and the State Controller, there is a presumed conflict.

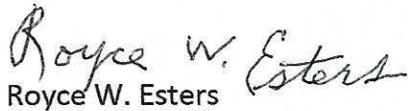
As a civil rights organization, we are very much concerned that this legislation inequitably singles out donors and contributors to nonprofit events where Board Members are involved. It will impose upon them a duty to almost immediately report any donation they make – even \$1 or an in-kind contribution, without merit. We are also concerned that this measure would allow any individual or business to conflict out Members by making a donation to a charitable event supported by the Members in such a way as to make it impossible for them to vote on a case and to return the donation in time to avoid violating the law.

As a civil rights organization, we commend the author and sponsor for their own humanitarian work with nonprofits and their leadership in nonprofit events, which bolster the fundraising success for the organizations they support. However, this legislation is hypocrisy at the worst level, in that it presumes that Board Member involvement with nonprofits is “suspect” and that donations of any amount – even \$1 – to nonprofits (including our own) in partnership with them somehow “influences” their votes on tax matters, but not those of Legislators who actually impact the success of businesses and lives of individuals much more.

Governor Jerry Brown got it right when he vetoed similar imbalanced and inequitable legislation in the past, stating that “Proper disclosure, as already provided by law, should be sufficient to guard against undue influence.” Accordingly, if the intent of this measure has any basis for addressing a real problem that exists, then it should include – and the burden of reporting should fall – equally on all elected officials, not just the Board Members and the State Controller.

It is for these reasons that the National Association For Equal Justice In America/NAEJA respectfully opposes this legislation.

Sincerely,

Handwritten signature of Royce W. Esters in cursive.

Royce W. Esters

President/CEO

National Association For Equal Justice In America

RWE:sp

Cc:

Governor Jerry Brown, State of California

Senate President Kevin De Leon, California State Senate

Assembly Speaker Anthony Rendon, California State Assembly

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Assembly Member Travis Allen, California State Assembly

Assembly Member Richard Gordon, California State Assembly

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