

ASSEMBLY BILL

No. 1441

**Introduced by Assembly Member Garrick
(Coauthor: Assembly Member Plescia)**

February 23, 2007

An act to amend Section 85304 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as introduced, Garrick. Political Reform Act of 1974: legal defense.

The existing Political Reform Act of 1974 authorizes candidates for elective state office and elected state officials to establish legal defense accounts that are not subject to state campaign contribution limits and specifies that the funds in these accounts may be used only for attorney's fees and other expenses arising from specified civil, criminal, or administrative proceedings, with contributions to the accounts required to be reported in a manner prescribed by the Fair Political Practices Commission.

This bill would also cover local elective candidates and officials, would provide that contributions to the legal defense accounts of these local candidates are subject to any limitations provided by local ordinance, and would make these contributions subject to commission reporting requirement.

Existing provisions of the act provide for administrative, civil, and criminal penalties for violations.

Because a violation of the bill would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 85304 of the Government Code is
2 amended to read:

3 85304. (a) A candidate for elective~~state~~ office or an elected
4 ~~state~~ officer may establish a separate account to defray attorney’s
5 fees and other related legal costs incurred for the candidate’s or
6 officer’s legal defense if the candidate or officer is subject to one
7 or more civil or criminal proceedings or administrative proceedings
8 arising directly out of the conduct of an election campaign, the
9 electoral process, or the performance of the officer’s governmental
10 activities and duties. These funds may be used only to defray those
11 attorney fees and other related legal costs.

12 (b) A candidate *for elective state office* may receive
13 contributions to this account that are not subject to the contribution
14 limits set forth in this article. *Other candidates for elective office*
15 *may receive contributions to these accounts subject to any*
16 *limitations provided by local ordinance.* However, all contributions
17 *to an account established pursuant to subdivision (a)* shall be
18 reported in a manner prescribed by the commission.

19 (c) Once the legal dispute is resolved, the candidate shall dispose
20 of any funds remaining after all expenses associated with the
21 dispute are discharged for one or more of the purposes set forth in
22 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
23 89519.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

8 SEC. 3. The Legislature finds and declares that this bill furthers
9 the purposes of the Political Reform Act of 1974 within the
10 meaning of subdivision (a) of Section 81012 of the Government
11 Code.

O