

Assembly Bill No. 1441

CHAPTER 283

An act to add Section 85304.5 to the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, 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 extend these provisions to candidates for local elective office and local elective officials, would provide that contributions to the legal defense accounts of these candidates for local elective office are subject to any limitations provided by local ordinance, and would make these contributions subject to commission reporting requirements.

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 $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

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

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

SECTION 1. Section 85304.5 is added to the Government Code, to read:
85304.5. (a) A candidate for elective office other than an elective state office or an elected officer other than an elected state officer may establish

a separate account pursuant to subdivision (a) of Section 85304 and may use these funds only to defray attorney's fees and other related legal costs.

(b) A candidate for an elective office other than an elective state office may receive contributions to the separate account subject to any limitations provided by local ordinance. However, all contributions to these separate accounts shall be reported in a manner prescribed by the commission.

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

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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