

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1226

Introduced by Senator Correa
(Coauthor: Assembly Member Mansoor)

February 20, 2014

An act to amend Section 83123.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1226, as amended, Correa. Political Reform Act of 1974: local campaign finance reform.

Existing law, *until January 1, 2018*, authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino. Existing law authorizes the Commission to investigate possible violations of the local county campaign finance reform ordinance and bring administrative actions against persons who violate the ordinance, as specified. Existing law requires the Board of Supervisors of the County of San Bernardino to consult with the Commission prior to adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission. Existing law specifies that the Board of Supervisors of the County of San Bernardino and the Commission may enter into any agreements necessary and appropriate for the operation of these provisions, including agreements for reimbursement of state costs with county funds, as specified. Existing law provides that the Board of Supervisors of the County of San Bernardino or the Commission may,

at any time, by ordinance or resolution, terminate any agreement for the Commission to administer, implement, or enforce the local campaign finance reform ordinance or any provision thereof. Existing law requires the Commission to report to the Legislature with specified information on or before January 1, 2017, if the Commission enters into an agreement with the Board of Supervisors of the County of San Bernardino.

This bill would extend these provisions to ~~the County of Orange~~ any participating city or county, as specified. The bill would modify these provisions by requiring the Commission to be the civil prosecutor responsible for the civil enforcement of the local campaign finance ordinance, as specified, and authorizing the Commission to provide advice and guidance regarding the ordinance and to bring civil actions to enforce the civil penalties and remedies of the ordinance. The bill would extend these provisions indefinitely by repealing the January 1, 2018, repeal date.

~~The bill would make legislative findings and declarations concerning the need for special legislation.~~

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: no.

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

1 SECTION 1. Section 83123.5 of the Government Code is
 2 amended to read:
 3 83123.5. (a) Upon mutual agreement between the Commission
 4 and the *city council or* board of supervisors of a participating *city*
 5 *or* county, the Commission is authorized to assume primary
 6 responsibility for the impartial, effective administration,
 7 implementation, and enforcement of a local campaign finance
 8 ~~reform~~ ordinance passed by the *city council or* board of supervisors
 9 of the participating *city or* county. ~~The~~ Upon agreement, the
 10 Commission ~~is authorized to~~ shall be the civil prosecutor
 11 responsible for the civil enforcement of that local campaign finance
 12 ~~reform~~ ordinance in accordance with this title. *As the civil*

1 *prosecutor of the participating city's or county's local campaign*
2 *finance ordinance, the Commission is not required to seek*
3 *authorization from the city attorney or district attorney of a*
4 *participating city or county to bring a civil or administrative action*
5 *to enforce the ordinance. As the civil prosecutor of the participating*
6 *city's or county's local campaign finance-reform ordinance, the*
7 *Commission may do both all of the following:*

8 (1) *Provide advice and guidance regarding the local campaign*
9 *finance ordinance.*

10 ~~(1)~~

11 (2) *Investigate possible violations of the local campaign finance*
12 *reform ordinance.*

13 ~~(2)~~

14 (3) *Bring administrative actions to enforce the local campaign*
15 *finance ordinance in accordance with this title and Chapter 5*
16 *(commencing with Section 11500) of Part 1 of Division 3 of Title*
17 *2.*

18 (4) *Bring civil actions to enforce the civil penalties and remedies*
19 *of the local campaign finance ordinance.*

20 (b) *Any local campaign finance-reform ordinance of the*
21 *participating city or county enforced by the Commission pursuant*
22 *to this section shall comply with this title.*

23 (c) *The city council or board of supervisors of the participating*
24 *city or county shall consult with the Commission prior to adopting*
25 *and or amending any local campaign finance-reform ordinance*
26 *that is subsequently enforced by the Commission pursuant to this*
27 *section.*

28 (d) (1) *The city council or board of supervisors of the*
29 *participating city or county and the Commission may enter into*
30 *any agreements necessary and appropriate to carry out the*
31 *provisions of this section, including agreements pertaining to any*
32 *necessary reimbursement of state costs with county funds for costs*
33 *incurred by the Commission in administering, implementing, or*
34 *enforcing a local campaign finance-reform ordinance pursuant to*
35 *this section.*

36 (2) *An agreement entered into pursuant to this subdivision shall*
37 *not contain any form of a cancellation fee, a liquidated damages*
38 *provision, or other financial disincentive to the exercise of the*
39 *right to terminate the agreement pursuant to subdivision (e), except*
40 *that the Commission may require the city council or board of*

1 supervisors of the participating *city or* county to pay the
 2 Commission for services rendered and any other expenditures
 3 reasonably made by the Commission in anticipation of services to
 4 be rendered pursuant to the agreement in the event that the *city*
 5 *council or* board of supervisors of the participating *city or* county
 6 terminates the agreement.

7 (e) The *city council or* board of supervisors of the participating
 8 *city or* county or the Commission may, at any time, by ordinance
 9 or resolution, terminate any agreement made pursuant to this
 10 section for the Commission to administer, implement, or enforce
 11 a local campaign finance ~~reform~~ ordinance or any provision thereof.

12 (f) If an agreement is entered into *with the County of San*
 13 *Bernardino* pursuant to this section, the Commission shall report
 14 to the Legislature regarding the performance of that agreement on
 15 or before January 1, 2017, and shall submit that report in
 16 compliance with Section 9795. The Commission shall develop the
 17 report in consultation with the ~~participating county~~ *County of San*
 18 *Bernardino*. The report shall include, but not be limited to, all of
 19 the following:

- 20 (1) The status of the agreement.
- 21 (2) The estimated annual cost savings, if any, for the
 22 ~~participating county~~ *County of San Bernardino*.
- 23 (3) A summary of relevant annual performance metrics,
 24 including measures of utilization, enforcement, and customer
 25 satisfaction.
- 26 (4) Any public comments submitted to the Commission or the
 27 ~~participating county~~ *County of San Bernardino* relative to the
 28 operation of the agreement.
- 29 (5) Any legislative recommendations.

30 ~~(g) For purposes of this section, “participating county” means~~
 31 ~~the County of Orange or the County of San Bernardino.~~

32 ~~(h)~~
 33 ~~—This section shall remain in effect only until January 1, 2018,~~
 34 ~~and as of that date is repealed, unless a later enacted statute, that~~
 35 ~~is enacted before January 1, 2018, deletes or extends that date.~~

36 (g) *For purposes of this section, “participating city or county”*
 37 *means any city or county that enters into a mutual agreement*
 38 *described in subdivision (a).*

39 ~~SEC. 2. The Legislature finds and declares that a special law~~
 40 ~~is necessary and that a general law cannot be made applicable~~

1 ~~within the meaning of Section 16 of Article IV of the California~~
2 ~~Constitution because of the necessity to ensure the integrity of the~~
3 ~~electoral process while reducing corruption, and the appearance~~
4 ~~of corruption, in the County of Orange.~~

5 ~~SEC. 3.~~

6 *SEC. 2.* The Legislature finds and declares that this bill furthers
7 the purposes of the Political Reform Act of 1974 within the
8 meaning of subdivision (a) of Section 81012 of the Government
9 Code.

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