

AMENDED IN SENATE MAY 13, 2014

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 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 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~~^{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 ordinance ~~passed by the city council or board of supervisors of the~~
9 ~~participating city or county~~. Upon agreement, the Commission
10 shall be the civil prosecutor responsible for the civil enforcement
11 of that local campaign finance ordinance in accordance with this
12 title. As the civil prosecutor of the participating city's or county's
13 local campaign finance ordinance, the Commission is not required
14 to seek authorization from the city attorney or district attorney of

1 a participating city or county to bring a civil or administrative
2 action to enforce the ordinance. As the civil prosecutor of the
3 participating city's or county's local campaign finance ordinance,
4 the Commission may do all of the following:

5 (1) Provide advice and guidance regarding the local campaign
6 finance ordinance.

7 (2) Investigate possible violations of the local campaign finance
8 ordinance.

9 (3) Bring administrative actions to enforce the local campaign
10 finance ordinance in accordance with this title and Chapter 5
11 (commencing with Section 11500) of Part 1 of Division 3 of Title
12 2.

13 (4) Bring civil actions to enforce the civil penalties and remedies
14 of the local campaign finance ordinance.

15 (b) Any local campaign finance ordinance of the participating
16 city or county enforced by the Commission pursuant to this section
17 shall comply with this title.

18 (c) The city council or board of supervisors of the participating
19 city or county shall consult with the Commission prior to adopting
20 or amending any local campaign finance ordinance that is
21 subsequently enforced by the Commission pursuant to this section.

22 (d) (1) The city council or board of supervisors of the
23 participating city or county and the Commission may enter into
24 any agreements necessary and appropriate to carry out the
25 provisions of this section, including agreements pertaining to any
26 necessary reimbursement of state costs with county funds for costs
27 incurred by the Commission in administering, implementing, or
28 enforcing a local campaign finance ordinance pursuant to this
29 section.

30 (2) An agreement entered into pursuant to this subdivision shall
31 not contain any form of a cancellation fee, a liquidated damages
32 provision, or other financial disincentive to the exercise of the
33 right to terminate the agreement pursuant to subdivision (e), except
34 that the Commission may require the city council or board of
35 supervisors of the participating city or county to pay the
36 Commission for services rendered and any other expenditures
37 reasonably made by the Commission in anticipation of services to
38 be rendered pursuant to the agreement in the event that the city
39 council or board of supervisors of the participating city or county
40 terminates the agreement.

1 (e) The city council or board of supervisors of the participating
2 city or county or the Commission may, at any time, by ordinance
3 or resolution, terminate any agreement made pursuant to this
4 section for the Commission to administer, implement, or enforce
5 a local campaign finance ordinance or any provision thereof.

6 (f) If an agreement is entered into with the County of San
7 Bernardino pursuant to this section, the Commission shall report
8 to the Legislature regarding the performance of that agreement on
9 or before January 1, 2017, and shall submit that report in
10 compliance with Section 9795. The Commission shall develop the
11 report in consultation with the County of San Bernardino. The
12 report shall include, but not be limited to, all of the following:

- 13 (1) The status of the agreement.
 - 14 (2) The estimated annual cost savings, if any, for the County of
15 San Bernardino.
 - 16 (3) A summary of relevant annual performance metrics,
17 including measures of utilization, enforcement, and customer
18 satisfaction.
 - 19 (4) Any public comments submitted to the Commission or the
20 County of San Bernardino relative to the operation of the
21 agreement.
 - 22 (5) Any legislative recommendations.
- 23 (g) For purposes of this section, “participating city or county”
24 means any city or county that enters into a mutual agreement
25 described in subdivision (a).

26 SEC. 2. The Legislature finds and declares that this bill furthers
27 the purposes of the Political Reform Act of 1974 within the
28 meaning of subdivision (a) of Section 81012 of the Government
29 Code.