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AB-2880 Political Reform Act of 1974: local enforcement. (2017-2018)

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Assembly Bill No. 2880

CHAPTER 394

An act to repeal Section 83123.7 of, and to repeal and add Section 83123.6 of, the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2880, Harper. Political Reform Act of 1974: local enforcement.

Existing law 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, as specified. Existing law also authorizes the Fair Political Practices Commission to enter into such agreements with the City Council of the City of Stockton and the City Council of the City of Sacramento, respectively.

This bill would repeal the provisions governing agreements with the Cities of Stockton and Sacramento and would generally authorize the governing body of a local government agency to contract with the Commission for the administration, implementation, and enforcement of a local campaign finance or government ethics law. This bill would also clarify that any agreement with the City of Stockton or the City of Sacramento that was in effect on December 31, 2018, is deemed to comply with this provision, and that this bill does not apply to the County of San Bernardino.

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 of the Legislature 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 83123.6 of the Government Code is repealed.

SEC. 2. Section 83123.6 is added to the Government Code, to read:

83123.6. (a) (1) Upon mutual agreement between the Commission and the governing body of a local government agency, the Commission may assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance or government ethics law passed by the local government agency.

(2) (A) Upon approval of an agreement pursuant to paragraph (1), the Commission shall be the civil prosecutor responsible for the civil enforcement of the local campaign finance or government ethics law of the local government agency in accordance with this title.

(B) As the civil prosecutor, the Commission may do all of the following with respect to the local campaign finance or government ethics law:

(i) Provide advice.

(ii) Investigate possible violations.

(iii) Bring administrative actions in accordance with this title and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

(iv) Bring civil actions.

(C) The Commission shall not be required to obtain authorization from the local government agency to bring an administrative or civil action pursuant to subparagraph (B).

(b) A local campaign finance or government ethics law of the local government agency enforced by the Commission pursuant to this section shall comply with this title.

(c) The governing body of the local government agency shall consult with the Commission before adopting and amending any local campaign finance or government ethics law that is subsequently enforced by the Commission pursuant to this section.

(d) (1) The governing body of the local government agency and the Commission shall enter into any agreements necessary and appropriate to carry out the provisions of paragraph (1) of subdivision (a), including agreements pertaining to any necessary local reimbursement of direct and indirect costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance or government ethics law pursuant to this section. Before approving an agreement for local reimbursement, the Commission shall submit the proposed agreement to the Department of General Services for review. The Commission may approve the agreement 90 days after submitting it to the Department of General Services or after receiving the department's written review of the agreement, whichever occurs first. The Commission shall submit an approved agreement, along with any review received, to the Department of Finance.

(2) An agreement entered into pursuant to this subdivision shall not contain a cancellation fee, a liquidated damages provision, or other financial disincentive to terminate the agreement pursuant to subdivision (e), except that, if the local government agency terminates the agreement, the Commission may require the governing body of the local government agency to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered pursuant to the agreement.

(e) The governing body of the local government agency or the Commission may, at any time, by ordinance or resolution, terminate an agreement made pursuant to this section for the Commission to administer, implement, or enforce a local campaign finance ordinance or any provision thereof. The termination shall be effective 90 days after the enactment of the ordinance or resolution unless an agreement between the local government and the Commission requires a longer period.

(f) The Commission shall conspicuously post on its Internet Web site a list of every local government agency that it has entered into agreement with pursuant to this section.

(g) An agreement for the enforcement of a local campaign finance or government ethics law between the Commission and the City of Stockton, or the City of Sacramento that was in effect on December 31, 2018, shall be deemed to comply with this section.

(h) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2025, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the governing body of the local government agency. The report shall include, but not be limited to, all of the following:

(1) The status of the agreement.

(2) The estimated annual cost savings, if any, for the local government agency.

(3) A summary of relevant annual performance metrics, including measures of use, enforcement, and customer satisfaction.

(4) Public comments submitted to the Commission or the local government agency relative to the operation of the agreement.

(5) Legislative recommendations.

(i) This section does not apply to a jurisdiction with a population of 3,000,000 or more or to the County of San Bernardino.

(j) This section shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2026, deletes or extends that date.

SEC. 3. Section 83123.7 of the Government Code is repealed.

SEC. 4. 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.