

AMENDED IN ASSEMBLY APRIL 8, 2014
AMENDED IN ASSEMBLY MARCH 19, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1431

Introduced by Assembly Member Gonzalez
(Principal coauthor: Senator Hueso)
**(Coauthor: Assembly Member Coauthors: Assembly Members Garcia
and Quirk-Silva)**
(Coauthor: Senator Hueso)

January 6, 2014

An act to add Sections 72030 and 72030.1 to, and to add Article 4 (commencing with Section 5098) to Chapter 1 of Part 4 of Division 1 of Title 1 of, the Education Code, Section 85705 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1431, as amended, Gonzalez. ~~School-Campaign contributions: school district and community college district administrators: conflict of interest.~~

~~Existing law provides for election of certain officials of school districts and community college districts.~~

~~The Political Reform Act of 1974 establishes certain limits on the amount of contributions that a person or group can make to a candidate for elective state office, or to a committee.~~

~~This bill would provide that prohibit an administrator of a school district or community college district may participate in political management or in political campaigns, but would prohibit the administrator from knowingly soliciting, accepting, or receiving a~~

~~political contribution from any person for the campaign of an elected official of the district employing the administrator, or any candidate for that office, an office of the school district or community college district employing the administrator, unless the person making the contribution contributor is a member of the same school labor organization represented by the same exclusive representative as the administrator, as specified. The bill would clarify that this prohibition does not apply to an administrator who is soliciting, accepting, or receiving a contribution for his or her own campaign for an office of a school district or community college district.~~

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties. By expanding the scope of an existing crime, this 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 require the Fair Political Practices Commission to enforce the provisions of the bill, thereby amending the Political Reform Act of 1974 by enhancing the duties of the commission.~~

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~yes.

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

- 1 SECTION 1. ~~Article 4 (commencing with Section 5098) is~~
- 2 ~~added to Chapter 1 of Part 4 of Division 1 of Title 1 of the~~
- 3 ~~Education Code, to read:~~

Article 4. Conflict of Interest

~~5098. An administrator of a school district may participate in political management or in political campaigns, except that an administrator of a school district may not knowingly solicit, accept, or receive a political contribution from any person for the campaign of an elected official of the school district employing the administrator, or any candidate for that office, unless the person making the contribution is a member of the same school labor organization as the administrator.~~

~~5098.1. The Fair Political Practices Commission shall enforce this article.~~

~~SEC. 2. Section 72030 is added to the Education Code, to read:~~

~~72030. An administrator of a community college district may participate in political management or in political campaigns, except that an administrator of a community college district may not knowingly solicit, accept, or receive a political contribution from any person for the campaign of an elected official of the community college district employing the administrator, or any candidate for that office, unless the person making the contribution is a member of the same school labor organization as the administrator.~~

~~SEC. 3. Section 72030.1 is added to the Education Code, to read:~~

~~72030.1. The Fair Political Practices Commission shall enforce Section 72030.~~

~~SECTION 1. Section 85705 is added to the Government Code, to read:~~

~~85705. (a) An administrator of a school district or community college district shall not knowingly solicit, accept, or receive a contribution for the campaign of an elected official of the school district or community college district employing the administrator, or any candidate for an office of the school district or community college district employing the administrator, unless the contributor is represented by the same exclusive representative as the administrator within the meaning of Section 3543 or 3573.~~

~~(b) This section does not prohibit an administrator of a school district or community college district from soliciting, accepting, or receiving a contribution for his or her own campaign for an office of the school district or community college district.~~

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

10 ~~SEC. 4.~~

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