

ASSEMBLY BILL

No. 1083

Introduced by Assembly Member Eggman

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1083, as introduced, Eggman. Political Reform Act of 1974: local campaign reform.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission (Commission), which has the primary responsibility for the impartial, effective administration and implementation of the act. The act authorizes, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino (board), the Commission to assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the board. Under the act, the Commission may be the civil prosecutor responsible for civil enforcement of that local campaign finance reform ordinance.

This bill would make technical, nonsubstantive changes to this provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

SECTION 1. Section 83123.5 of the Government Code is amended to read:

83123.5. (a) Upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, the Commission ~~is authorized to~~ *may* assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the Board of Supervisors of the County of San Bernardino. The Commission ~~is authorized to~~ *may* be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance in accordance with this title. As the civil prosecutor of the County of San Bernardino's local campaign finance reform ordinance, the Commission may do both of the following:

(1) Investigate possible violations of the local campaign finance reform ordinance.

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

(b) Any local campaign finance reform ordinance of the County of San Bernardino enforced by the Commission pursuant to this section shall comply with this title.

(c) The Board of Supervisors of the County of San Bernardino shall consult with the Commission prior to adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission pursuant to this section.

(d) (1) The Board of Supervisors of the County of San Bernardino and the Commission may enter into any agreements necessary and appropriate to carry out the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with county funds for costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance pursuant to this section.

(2) An agreement entered into pursuant to this subdivision shall not contain any form of a cancellation fee, a liquidated damages provision, or other financial disincentive to the exercise of the right to terminate the agreement pursuant to subdivision (e), except that the Commission may require the Board of Supervisors of the

1 County of San Bernardino to pay the Commission for services
2 rendered and any other expenditures reasonably made by the
3 Commission in anticipation of services to be rendered pursuant to
4 the agreement in the event that the Board of Supervisors of the
5 County of San Bernardino terminates the agreement.

6 (e) The Board of Supervisors of the County of San Bernardino
7 or the Commission may, at any time, by ordinance or resolution,
8 terminate any agreement made pursuant to this section for the
9 Commission to administer, implement, or enforce a local campaign
10 finance reform ordinance or any provision thereof.

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

18 (1) The status of the agreement.

19 (2) The estimated annual cost savings, if any, for the County of
20 San Bernardino.

21 (3) A summary of relevant annual performance metrics,
22 including measures of utilization, enforcement, and customer
23 satisfaction.

24 (4) Any public comments submitted to the Commission or the
25 County of San Bernardino relative to the operation of the
26 agreement.

27 (5) Any legislative recommendations.

28 (g) This section shall remain in effect only until January 1, 2018,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2018, deletes or extends that date.