

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2523**

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**Introduced by Assembly Member Mullin**

February 19, 2016

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~~An act relating to local campaign contributions.~~ *An act to add Part 7 (commencing with Section 10800) to Division 10 of, and to repeal Sections 10003, 10202, and 10544 of, the Elections Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2523, as amended, Mullin. ~~Campaign contributions: local elections.~~ *Local elective offices: contribution limitations.*

*The Political Reform Act of 1974 prohibits a person, other than a small contributor committee or political party committee, from making to a candidate for elective state office, for statewide elective office, or for office of the Governor, and prohibits those candidates from accepting from a person, a contribution totaling more than a specified amount per election. For a candidate for elective state office other than a candidate for statewide elective office, the limitation on contributions is \$3,000 per election, as that amount is adjusted by the Fair Political Practices Commission in January of every odd-numbered year.*

*Existing law authorizes a county, city, or district to limit campaign contributions in local elections. The act specifies that it does not prevent the Legislature or any other state or local agency from imposing additional requirements on a person if the requirements do not prevent the person from complying with the act, and that the act does not nullify contribution limitations or prohibitions by any local jurisdiction that apply to elections for local elective office, as specified.*

*This bill would prohibit a person from making to a candidate for local elective office, and would prohibit a candidate for local elective office from accepting from a person, a contribution totaling more than the amount set forth for limitations on contributions to a candidate for elective state office. This bill would authorize a county, city, special district, or school district to impose a limitation that is equal to or lower than that limitation, except as specified. This bill would make a violation of the contribution limitation imposed by the bill punishable as a misdemeanor and subject to a specified civil fine administered by the district attorney of the county in which the violation occurs. By creating a new 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 imposes limitations on contributions to candidates for elective state office, statewide elective office, and office of the Governor, as specified. The act specifies that nothing in it prevents the Legislature or any other state or local agency from imposing additional requirements on a person if the requirements do not prevent the person from complying with the act, and that nothing in it nullifies contribution limitations or prohibitions by any local jurisdiction that apply to elections for local elective office, as specified. The act requires a local government agency that has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions to file a copy of the action with the Fair Political Practices Commission.~~

~~Existing law authorizes a county, city, or district to limit campaign contributions in local elections.~~

~~This bill would declare the intent of the Legislature to enact legislation that would impose limitations on campaign contribution for local elections.~~

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

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

1     **SECTION 1.** *Section 10003 of the Elections Code is repealed.*

1 ~~10003. A county may by ordinance or resolution limit campaign~~  
2 ~~contributions in county elections.~~

3 *SEC. 2. Section 10202 of the Elections Code is repealed.*

4 ~~10202. A city may, by ordinance or resolution, limit campaign~~  
5 ~~contributions in municipal elections.~~

6 *SEC. 3. Section 10544 of the Elections Code is repealed.*

7 ~~10544. A governing body of a district may, by resolution, limit~~  
8 ~~campaign contributions in elections to district offices.~~

9 *SEC. 4. Part 7 (commencing with Section 10800) is added to*  
10 *Division 10 of the Elections Code, to read:*

11  
12 *PART 7. LOCAL LIMITATIONS ON CONTRIBUTIONS*

13  
14 *10800. For purposes of this part, the following terms have the*  
15 *following meanings:*

16 *(a) "Candidate" has the same meaning as set forth in Section*  
17 *82007 of the Government Code.*

18 *(b) "City" has the same meaning as set forth in Section 82008*  
19 *of the Government Code.*

20 *(c) "Contribution" has the same meaning as set forth in Section*  
21 *82015 of the Government Code.*

22 *(d) "County" has the same meaning as set forth in Section*  
23 *82017 of the Government Code.*

24 *(e) "Election" means a primary, general, special, runoff, or*  
25 *recall election in a county, city, special district, or school district.*  
26 *Primary, general, special, and runoff elections are each a separate*  
27 *election for purposes of this part.*

28 *(f) "Local elective office" means a county, city, special district,*  
29 *or school district office that is filled at an election.*

30 *(g) "Local government" means a county, city, special district,*  
31 *or school district that has a local elective office.*

32 *(h) "Person" has the same meaning as set forth in Section 82047*  
33 *of the Government Code.*

34 *(i) "School district" includes a community college district.*

35 *(j) "Special district" has the same meaning as set forth in*  
36 *Section 82048.5 of the Government Code.*

37 *10801. (a) A person shall not make to a candidate for local*  
38 *elective office, and a candidate for local elective office shall not*  
39 *accept from a person, a contribution totaling more than the amount*  
40 *set forth in subdivision (a) of Section 85301 of the Government*

1 *Code, as that amount is adjusted by the Fair Political Practices*  
2 *Commission pursuant to Section 83124 of the Government Code.*

3 *(b) A contribution shall not be deemed received for purposes*  
4 *of this part if it is returned to the contributor within 14 days of*  
5 *receipt.*

6 *(c) This section does not apply to a candidate's contributions*  
7 *of his or her personal funds to his or her own campaign.*

8 *10802. (a) Except as provided in subdivision (b) of this section*  
9 *and subdivision (a) of Section 85703 of the Government Code, a*  
10 *local government may, by ordinance or resolution, impose a*  
11 *limitation on contributions to a candidate for local elective office*  
12 *that is equal to or lower than the limitation set forth in Section*  
13 *10801. The limitation may also be imposed by means of a local*  
14 *initiative measure.*

15 *(b) A local government shall not impose additional requirements*  
16 *on a person pursuant to subdivision (a) if the requirements prevent*  
17 *the person from complying with this part or the Political Reform*  
18 *Act of 1974 (Title 9 (commencing with Section 81000) of the*  
19 *Government Code).*

20 *10803. (a) A person who intentionally or negligently violates*  
21 *Section 10801 shall be subject to a civil fine for an amount up to*  
22 *five thousand dollars (\$5,000) or three times the amount that was*  
23 *contributed or accepted in excess of the contribution limitation,*  
24 *whichever is greater.*

25 *(b) In addition to the penalty set forth in subsection (a), a person*  
26 *who knowingly or willfully violates Section 10801 is guilty of a*  
27 *misdemeanor.*

28 *(c) The district attorney of the county in which a violation occurs*  
29 *is responsible for enforcing the civil and criminal penalties in this*  
30 *section.*

31 *(d) Whether a violation of Section 10801 is inadvertent,*  
32 *negligent, or deliberate, and the presence or absence of good faith,*  
33 *shall be considered in applying the penalties in this section.*

34 *(e) A civil action for, or a criminal prosecution for, violation*  
35 *of Section 10801 must be commenced within four years after the*  
36 *date on which the violation occurred.*

37 *SEC. 5. No reimbursement is required by this act pursuant to*  
38 *Section 6 of Article XIII B of the California Constitution because*  
39 *the only costs that may be incurred by a local agency or school*  
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

6 ~~SECTION 1. It is the intent of the Legislature to enact~~  
7 ~~legislation that would impose limitations on campaign contributions~~  
8 ~~for local elections.~~

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