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Public Law Update - Noteworthy Changes to the Political Reform Act

The Governor signed three bills amending the Political Reform Act: Senate Bill 42, and Assembly Bills 953 and 1286. AB 1286 adds a financial interest (arrangement for prospective employment) that must be reported on the Form 700, AB 953 prohibits foreign nationals from contributing to elections, and SB 42 enacts the California Fair Elections Act of 2026, subject to voter approval.

Senate Bill 42. Subject to voter approval, this bill amends Government Code sections 85300 and 85320. The bill enacts the California Fair Elections Act of 2026, to be effective only if approved by the voters on November 3, 2026, and if so approved, lifts the prohibition against the expenditure of public funds for the purpose of seeking elective office and would allow such expenditures for citizen-funded election programs, in order to reduce reliance on wealthy donors and special interests, and to broaden election access. The Act would require candidates to abide by specified expenditure limits and meet strict criteria, as defined, to qualify for public funds, and would prohibit public funds from being used to pay legal defense fees or fines or to repay personal loans to their campaign. The Act would permit a statute, ordinance, or charter to establish standards to increase the expenditure limits for each qualified, voluntarily participating candidate pursuant to a specified formula.

Assembly Bill 953. Government Code section 85320 prohibits foreign government and foreign principals, as defined, from contributing to, or making expenditures in connection with, political campaigns. This bill amends that section to include that foreign nationals are also prohibited from contributions to or expenditures for political campaigns, and correspondingly prohibits a person or committee from soliciting such a contribution or expenditure from a foreign national. The bill adds a definition of foreign national, but specifically excludes DACA (Deferred Action for Childhood Arrivals) recipients from this definition. Currently, a violation of section 85320 is a misdemeanor with a mandatory penalty that equals the amount illegally contributed or expended. If the voters approve SB 42, then section 85320 will be further amended to increase the punishment for violations to be at least the amount contributed or expended, but at most three times that amount.

Assembly Bill 1286. This bill adds Government Code sections 82004.2

and 87207.5 and amends sections 87202, 87203, and 87204 to provide that elected and appointed officials must disclose any “arrangement for prospective employment” on their Form 700. An “arrangement for prospective employment” means an agreement pursuant to which a prospective employer’s offer of employment has been accepted by the prospective employee.

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to public law.

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