

Public Law Update – SB 852: New Campaign Contribution Restrictions and Scope for Form 700 Filing

Background and Purpose

SB 852 amends several provisions of the 1974 Political Reform Act (Gov. Code, § 81000 et seq., "PRA"). For local government agencies, the key changes relate to: (1) the locations where campaign contributions may be delivered or received, and (2) the filing requirements for certain Form 700 filers. The bill's amendments to Government Code §§ 84309 and 87500 have direct implications for local campaign activity and local Form 700 administration.

Expanded Prohibition on Campaign Contributions in Government Buildings

SB 852 revises Government Code § 84309 to expand where campaign contributions can be received, personally delivered, or attempted to be delivered.[1] As amended, this section now bars these campaign contribution activities not only in the State Capitol and other state property, but also in any local government office building and in any office space for which the local government pays rent.

The statute defines a "state or local government office building" as one owned by a state or local government in which more than 50 percent of the total floor area is used as office space for government employees. The prohibition on contributions in a government office building where a government pays rent applies regardless of the percentage of government use within the larger building.

Notably, Government Code § 84309, as revised, expressly includes attempts to deliver contributions. Negligent or inadvertent violations may also lead to civil or administrative enforcement, consistent with Government Code § 91001(c).

Form 700 Electronic Filing Requirement for Certain Officials

The PRA requires public officials to regularly file Form 700 statements disclosing their income and financial interests. Some officials may file their Form 700s with their local agency clerk. However, other specified officials (e.g., a county chief administrative officer or a city manager), must electronically submit their Form 700s directly to the Fair Political

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Practices Commission ("FPPC").[2]

Officials required to file Form 700s fall into two categories: (1) mandatory Government Code § 87200 filers; (2) and "designated" filers that local agencies designate in their conflict of interest codes. The law has included "public officials who manage public investments" within the first category of mandatory Form 700 filers.

SB 852 does not alter the filing mandate for these specific officials. It rather modifies where and how their Form 700s get filed. SB 852 amends Government Code § 87500 to now require that such officials who manage public investments file Form 700s using the FPPC's electronic filing system.

The bill also does not change who qualifies as a "public official who manages public investments." Government Code § 87200 lists this category alongside other statutory filers but does not provide a definition, and no other section of the PRA supplies a defined meaning. In practice, the determination of which positions fall within this category is made through each agency's adopted conflict of interest code. SB 852 changes only the *filing method* for these officials. Local agencies should review their conflict of interest codes to confirm which positions are identified as managing public investments and ensure those officials are prepared for the FPPC's electronic filing requirement.

Other Statutory Amendments

SB 852 also amends two other provisions of the PRA affecting state-level processes. Government Code § 81012 is revised to require that bills amending the PRA be printed, distributed to members of the Legislature, and published on the internet for a specified number of days before passage. The bill also amends Government Code § 8252.5 to update the timing and discretion of the Citizens Redistricting Commission in filling certain vacancies. These provisions impose no new duties on local agencies.

Practical Impact for Local Agencies

Local agencies should update internal practices and campaign-related guidance to reflect that contributions may not be received, delivered, or attempted to be delivered within government-owned office buildings where more than 50 percent of the total floor area is used as government office space or inside any office space for which the agency pays rent. Agencies occupying leased space should note that the statutory prohibition applies irrespective of the proportion of governmental use in the building. Agencies should also confirm which positions qualify as managing public investments under their conflict of interest codes and ensure that those officials now file Form 700s electronically with the FPPC.

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[1] “Contribution” is broadly defined in Government Code § 82015 and includes monetary payments, loans, and nonmonetary (in-kind) support provided for political purposes.

[2] Gov. Code, § 87500(a)(1).

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