



RELATED PRACTICES

Public Law

RELATED PEOPLE

Chad W. Herrington

SB 1439: New Rules on Campaign Contribution Disclosure

Senate Bill 1439 will make substantial changes to the Levine Act, primarily in the area of local governmental officials' ability to accept campaign donations from both parties and participants in hearings and decisions regarding licenses, permits, and entitlements for use. SB 1439 became effective on January 1, 2023. While its changes are relatively straightforward, the bill was unclear as to the effect of campaign donations received in the 2022 election cycle. The Fair Political Practices Commission (FPPC) met on December 22, 2022 and adopted an [opinion](#) relating to its interpretation of SB 1439 and its revisions to Government Code section 84308, concluding that the regulations pertaining to contributions should apply to contributions received **after** the effective date of January 1, 2023. As indicated in the Opinion, the FPPC confirmed that there is no clear indication that the Legislature intended SB 1439 to apply retroactively to contributions received prior to January 1, 2023.

Signed by Gov. Newsom on September 29, 2022, SB 1439 makes a number of changes to Government Code Section 84308, primarily by extending the applicability of the Act to elected governing boards (previously it only applied to appointed officials). SB 1439 therefore prohibits these officials from accepting, soliciting or directing a campaign contribution of more than \$250 from any "party" to or "participant," as those terms are defined, in a proceeding involving a license, permit or other entitlement for use both while that proceeding is pending and for 12 months following the date a final decision is rendered. The bill also requires city council and board members to recuse themselves from any proceeding if the member received a campaign contribution of more than \$250 from a person involved in the proceedings within the previous 12 months. It does allow for the return or disgorgement of prohibited contributions within 30 days of receipt or of the official knowing that the contribution came from a participant or party to a qualifying proceeding.

CalCities will work with the FPPC to draft long term regulations to ensure fair implementation of SB 1439.