

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS  
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**Oppose AB 1141 and AB 1306 Which Expand Fair Political Practices Commission Enforcement Authority Over Government Entities**

Over the past three years, the Los Angeles County (County) Board of Supervisors (Board) has tackled two major issues impacting the County, both of which required revenue-enhancement measures - the need to provide services and housing to help individuals and families experiencing the crisis of homelessness, and the demand for long-term, sustainable access to clean, safe water. Through effective education of the County's residents, using modern-day technologies and communication strategies, residents were provided with fair and impartial communications about each measure.

Currently, two bills, AB 1141 and AB 1306, seek to expand the powers of the Fair Political Practices Commission (FPPC) in a way that could severely impact the County's ability to provide informational communications on ballot measures of significant concern to the voters of the County. These bills would create a new section in the Political Reform Act which would allow the FPPC to civilly or administratively prosecute any public official (elected, appointed, employee or consultant) for using or permitting others to use public resources that are determined by the FPPC to be campaign-related communications. Under existing law, the authority to enforce this provision of the Political Reform Act rests with the District Attorney and the Attorney General. Specifically, this would allow the FPPC to prosecute governmental entities for use of any

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electronic media election-related activity, including e-mails and social media posts, and authorize the FPPC to determine whether the activity was considered "informational" communication "or campaign related." Under current law, the determination of whether a communication or speech is campaign-related rests with the Courts.

There are several reasons why these bills are unnecessary and should be opposed. First, these issues are currently the subject of litigation between the California State Association of Counties, California School Boards Association and the FPPC. This litigation should be resolved before any new legislation is considered. Secondly, the proposed administrative due process outlined in the bills is insufficient to protect the accused. Unlike the Attorney General and the District Attorney who have years of specialized investigative training, the FPPC personnel lack the expertise as trained investigators, as well as the resources to take on this additional work-load. Additionally, four existing laws already cover this type of activity: Government Code Sections 8314 and 54964; Education Code Section 7054; and Penal Code Section 424.

As such, both AB 1141 and AB 1306 raise significant jurisdictional, due process, redundancy and enforcement concerns. They should be reconsidered, as neither bill adds to the existing enforcement mechanisms that guard against the misuse of public funds.

**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

Direct the Chief Executive Officer, and the County of Los Angeles' (County) legislative advocates, to take all actions necessary to oppose AB 1141 and AB 1306 which seek to expand the Fair Political Practices Commission's enforcement authority over government entities.

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