



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION

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To: All City Attorneys and County Councils

Subject: Senate Bill 1439 Amendments to the Levine Act

Date: April 27, 2023

Dear City Attorneys and County Councils:

On behalf of the California Fair Political Practices Commission (FPPC), I write today to remind you that the amendments made last year by Senate Bill 1439 (Ch. 848, Stats. 2022) to the Political Reform Act's (Gov. Code, Sec. 81000 et seq.) "pay-to-play" restrictions became effective on January 1, 2023. Violations of those restrictions are subject to enforcement by the FPPC.

Since the mid-1980s, Government Code section 84308 has prohibited certain state public officials from taking part in licensing, permitting, and other use entitlement proceedings when a party or participant in the proceeding has contributed more than \$250 to the official. Sometimes referred to as "the Levine Act," this statute also prohibits officials from receiving contributions exceeding \$250 during such a proceeding and for a defined period after a final decision in the proceeding.

SB 1439 broadened the scope of Section 84308 to apply to certain local elected officials by:

- Extending the law's limits and prohibitions to apply to local elected officials who prior to 2023 were not subject to the law for decisions in their elected position; and
- Extending the period in which a post-proceeding contribution of more than \$250 is prohibited from three months after the final decision to 12 months after the final decision.

As you may be aware, a lawsuit challenging the validity of SB 1439 was filed in late February 2023; that lawsuit is currently pending in Sacramento Superior Court. As an administrative agency, the FPPC has a duty to interpret and enforce the provisions of the Political Reform Act – including the amendments made by SB 1439 – unless and until directed otherwise by court order. Accordingly, the FPPC is continuing its work to develop new regulations to implement SB 1439 and our Enforcement Division is actively monitoring local officials' compliance with the statutory changes that were made by that bill. We encourage you to contact the FPPC with any questions you or your covered officials may have regarding how to comply with SB 1439, as well as providing feedback on the proposed regulations implementing this new law. You can find information concerning how to request advice and/or comment on proposed regulations on the FPPC's website at fppc.ca.gov.

Very truly yours,

Richard C. Miadich