



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 21, 2019

Hon. Toni Atkins  
Senate President pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

Hon. Shannon Grove  
Senate Republican Leader  
State Capitol, Room 305  
Sacramento, CA 95814

Dear Ms. Atkins and Ms. Grove,

The Fair Political Practices Commission recently fined the Bay Area Rapid Transit District for failing to disclose its campaign activity in support of a ballot measure in violation of California's Political Reform Act. The Commission considers these violations very serious and will aggressively pursue other cases involving similar violations by public agencies.

Public agencies spending taxpayer dollars on campaign activity is a serious misuse of public funds. The California Supreme Court has declared it a violation of the State Constitution to use public resources on campaign activities. (See *Stanson v. Mott* (1976) 17 Cal. 3d. 206 and *Vargas v. City of Salinas* (2009) 46 Cal. 4<sup>th</sup> 1.) Further, the Legislature has passed multiple laws prohibiting public officials from using public resources for campaign activity. (See Government Code sections 8314 and 54964, and Education Code section 7054.) But current law does not permit the Commission's Enforcement Division to investigate and bring legal action against public agencies and officials for spending public resources on campaigns. The Commission's jurisdiction is limited to requiring disclosure of campaign spending.

To address this gap, the Commission requests that you consider legislation amending the Political Reform Act to authorize the Commission to bring administrative and civil actions against public agencies and public officials for spending public funds on campaign activity. While the Commission's resources are limited, we believe action must be taken to prevent misuse of taxpayer dollars.

Respectfully,

Alice Germond, Chair

Brian Hatch, Commissioner

Frank Cardenas, Commissioner

Allison Hayward, Commissioner

cc: Members of the Senate