STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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Court upholds FPPC regulations involving use of public money in campaigns

A Superior Court Judge today ruled in favor of the Fair Political Practices Commission (FPPC) upholding its authority to require disclosure of public money by public entities during an election campaign. The FPPC, California's governmental ethics and campaign disclosure agency, faced a challenge from the California State Association of Counties (CSAC) and California School Boards Association (CSBA) of its regulations requiring government agencies that spend taxpayer money to influence voters to disclose their activity in the same manner as other individuals, groups and entities who spend money to influence voters. In a ruling in Los Angeles Superior Court, the Honorable Judge Mitchell Beckloff ruled the regulations in question are legal and within the authority of the FPPC.

"We are extremely pleased with Judge Beckloff's decision and the thoughtfulness and thoroughness on which he based his ruling," said FPPC Chair Richard C. Miadich. "The very essence of the Political Reform Act is to provide the public with transparency in the political process. Having public entities properly disclose the use of taxpayer money in elections gives the public what the law intends, which is the transparency required to make informed decisions."

The current case is related to one of the largest penalties ever levied by the FPPC. The FPPC Enforcement Division received a complaint involving a March 2017 Special Election in Los Angeles County regarding Measure H, and an additional complaint alleging the County used public funds to support Measure W in the November 2018 election. The FPPC Enforcement Division opened two administrative cases alleging the County's activities qualified it as a committee, triggering the Political Reform Act's filing and disclosure requirements and failed to include advertisement disclosures. Measure H passed with just over the required margin for approval.

While the FPPC's administrative cases were pending involving Los Angeles County, CSAC and CSBA went to court in this matter to challenge the validity of the same regulations Los Angeles County was alleged to have violated in the administrative cases.

At its August 2020 meeting, the Commission voted to approve a $1.35 million dollar settlement in which Los Angeles County had to pay the State, and the Howard Jarvis Taxpayers Association (HJTA) for the violations. That settlement also included dismissal of another civil suit with similar allegations that had been filed by the Howard Jarvis Taxpayers Association.

The ruling by Judge Beckloff bolsters the FPPC's determination, in approving the $1.35 million penalty against Los Angeles County in August, that these regulations are valid and enforceable.

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"This illegal and increasingly-used tactic by local government officials will continue to be a focus and priority for the FPPC." said Chair Miadich. "We're seeking expanded powers for the non-partisan FPPC to enforce this law, as we continue to fight on behalf of the public for transparency and accountability by our government officials."

A link to the court decision can be found here: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/MediaCenter/2020/Order.pdf

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