



FAIR POLITICAL PRACTICES COMMISSION

P.O. Box 807 • 428 J Street • Sacramento, CA 95812-0807
(916) 322-5660 • Fax (916) 322-0886

May 14, 2002

Paul Koretz, Assemblyman
California Legislature
Post Office Box 942849
Sacramento, CA 94249-0042

Re: Your Request for Informal Assistance
Our File No. I-02-085

Dear Assemblyman Koretz:

Thank you for your request for informal assistance on behalf of potential candidates in new cities seceding from the City of Los Angeles. We are aware that your questions are important and of a sensitive nature.¹

You asked a variety of questions related to secession movement in Los Angeles. It is our understanding that the Local Agency Formation Commission (LAFCO) has not set a date for an election on this matter. You asked what laws apply to the elections. In addition you asked if there are contribution limits that apply to candidates seeking office in a new city that might be formed, should the secession election occur, and when and with whom these candidates would file.

The interplay between the various state and local laws that may apply can be complicated. For example, the Cortese-Knox Local Government Reorganization Act (Cortese-Knox Act)² provides a detailed framework for the creation, expansion, contraction and abolition of local government and special district boundaries. This collection of statutes sets forth the composition of and delegates authority to LAFCOs in 57 of California's 58 counties. Although some LAFCO-approved boundary change proposals can occur without a public vote, most--including the procedure known as secession--require voter approval. Activity that is within the

¹ We are treating your letter as a request for informal assistance. Regulation 18329 sets forth the parameters for providing formal written advice. (Reg. 18329(b), copy enclosed.) The regulation provides, in pertinent part, that where formal advice cannot be rendered, the Commission may limit its assistance to the explanation, in general terms, of the requirements of the Act. (Reg. 18329(c)(4).)

² Enclosed is a copy of an August 30, 2001, staff memorandum discussing the status of the Act in relation to these elections, and the update to that memorandum, dated September 7, 2001.

parameters of the Cortese-Knox Act (see Govt. Code §§ 56100.1, 56300 and 56700.1) is outside the Act and we, therefore, do not advise on these sections.

Moreover, the answers to all of your questions depend on many factors. However, we can provide you the following general guidance at this time:

1) Generally speaking, both state and local laws apply to elections held throughout the state. More specifically, however, state contribution limits apply only to elections for elective state office, and not to local elections.

2) The Act requires the filing of campaign statements and reports by many persons. (See Govt. Code §§ 84200 et seq.) Government Code Section 84215 addresses where these campaign reports and statements must be filed. Government Code Sections 84215(d) and (e) provide:

“(d) County elected officers, municipal court judges, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (e), and county general purpose committees shall file the original and one copy with the clerk of the county.

“(e) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city. These elected officers, candidates, and committees need not file with the clerk of the county in which they are domiciled.”

Once LAFCO has made its determination regarding the boundaries and composition of any new cities, the Commission will be able to determine which laws apply to an election. We are also working with appropriate agencies, including the City of Los Angeles, to formally advise candidates and to educate interested persons with respect to the election about which you inquire, if LAFCO determines that one should be held. Any guidelines that are developed will be accessible to any candidates seeking guidance and to members of the public.

I hope this information is helpful to you and your constituents. We will forward a copy of any informational materials we develop to you. If you have questions, please feel free to contact me at (916) 322-5660.

Very truly yours,

A handwritten signature in cursive script, reading "Luisa Menchaca". The signature is written in dark ink and is positioned above the printed name and title.

Luisa Menchaca
General Counsel

Enclosures

LM:mf

I:\AdviceLtrs\I-02-085