



November 18, 2022

CONTACT:

Executive Director Sharon Spivak, [sbspivak@san Diego.gov](mailto:sbspivak@san Diego.gov)

Ethics Commission Main Line: 619-533-3476

## **FPPC to Opine that New Law Extending Recusal Requirements and Prohibiting Certain Contributions for Local Elected Officials Does Not Apply to Contributions Made to Elected Officials in 2022**

On November 14, 2022, our office issued a [press release](#) regarding Senate Bill 1439, which subjects local officials to a state law designed to prohibit “pay-to-play” politics in California.

As fully detailed in that press release, counsel for the Fair Political Practices Commission (FPPC) previously released a memorandum opining that contributions given to elected officials in 2022 should preclude their participation in matters related to “licensing, permitting, and other use entitlement proceedings” in 2023.

At the FPPC meeting on November 17, 2022, the FPPC considered whether it agreed that contributions made to local elected officials in 2022 should preclude participation in related matters in 2023. **At that meeting, the FPPC voted unanimously to issue an opinion that the disqualification obligations do not apply to campaign donations received in 2022.** The Commissioners voiced several concerns with applying the recusal requirements to contributions made in 2022, including but not limited to the fact that when the legislation was initially enacted in 1983, the contributions made the prior year were not included under the new law.

The FPPC asked its legal counsel to draft an opinion reflecting the Commission’s opinion. A special telephonic meeting will be held on December 22, 2022 to discuss and approve the FPPC’s opinion on this issue prior to the law’s implementation on January 1, 2023. The FPPC also intends to update its implementing regulations regarding this law in 2023.

Although the FPPC’s opinion regarding the law’s retroactivity should be resolved on December 22, a number of legal questions remain. The Ethics Commission will continue to monitor updates in the law and will update the community accordingly. Please contact our office with any questions and check our website for additional updates.

—

The Ethics Commission is an independent City entity dedicated to monitoring, enforcing, and reforming the City's ethics laws. The Commission has jurisdiction over City laws regarding ethics, campaign finance, and lobbying. Commission staff provide the regulated community with education and advice regarding ethics laws, conduct investigations, audit City campaign committees, and propose related legislation.

For more information, we invite you to visit our website, [www.sandiego.gov/ethics](http://www.sandiego.gov/ethics), or to contact our office at [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).