

## Comparison of Enforcement-Related Provisions

San Francisco vs. Los Angeles

Provision	San Francisco (as Code exists currently)	Los Angeles
<b>Civil Actions Generally</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> </ul>	<p>Any person who intentionally or negligently violates any of the provisions of this Chapter shall be liable in a civil action brought by the civil prosecutor (1.170(b))</p> <p>The City Attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter (1.168(b))</p>	<p>A person who intentionally or negligently violates a provision of this Article is liable in a civil action brought by the City Attorney, the Ethics Commission, or a person residing within the City (49.7.38(B)(1))</p>
<ul style="list-style-type: none"> <li>• <b>Penalty</b></li> </ul>	<p>up to \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable (1.170(b))</p>	<p>The amount of liability may not exceed the greater of \$5,000 per violation or three times the amount the person failed to properly report or unlawfully contributed, expended, gave, or received (49.7.38(B)(1))</p>
<ul style="list-style-type: none"> <li>• <b>Statute of Limitations</b></li> </ul>	<p>No civil action alleging a violation in connection with a campaign statement required under this Chapter shall be filed more than four years after an audit could begin, or more than one year after the Executive Director submits to the Commission any report of any audit conducted of the alleged violator, whichever period is less. Any other civil action alleging a violation of any provision of this Chapter shall be filed no more than four years after the date on which the violation occurred (1.168(c)(2))</p>	<p>An action alleging a violation of this Article may not be filed more than four years after the date the violation occurred. (49.7.38(B)(5))</p>
<b>Citizen Suits</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> </ul>	<p>Any <u>voter</u>, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter. (1.168(b))</p>	<p>A person who intentionally or negligently violates a provision of this Article is liable in a civil action brought by the City Attorney, the Ethics Commission, <u>or a person residing within the City</u> (49.7.38(B)(1))</p>
<ul style="list-style-type: none"> <li>• <b>Notice requirement</b></li> </ul>	<p>No voter may commence an action under this Subsection without first providing written notice to the <u>City Attorney</u> of intent to commence an</p>	<p>Before filing a civil action pursuant to this Subsection, a person other than the City Attorney shall first file with the <u>Ethics Commission</u> a written request for the</p>

	action ... at least 60 days in advance of filing an action (1.168(b))	Ethics Commission to commence an action. The request shall contain a statement of the grounds for believing a cause of action exists. The Ethics Commission shall respond within 40 days after receiving the request and indicate whether it intends to file a civil action. (49.7.38(B)(3))
<ul style="list-style-type: none"> <li>• <b>Government action that cuts off citizen suit</b></li> </ul>	No voter may commence an action under this Subsection if the Ethics Commission has issued a finding of probable cause that the defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney has commenced a civil or criminal action against the defendant, or if another voter has filed a civil action against the defendant under this Subsection (1.168(b))	If the Commission indicates in the affirmative and files an action within 40 days after the response, no other action may be brought unless the action brought by the Ethics Commission is dismissed without prejudice. (49.7.38(B)(3))
<ul style="list-style-type: none"> <li>• <b>Remedies available to citizen plaintiff</b></li> </ul>	Injunction (1.168(b))	Injunction; 50% of penalties recovered  <b>If a judgment is entered against the defendant or defendants in an action, a private plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited into the City's General Fund.</b> (49.7.38(B)(4); (C))
<ul style="list-style-type: none"> <li>• <b>Fees and Costs awards</b></li> </ul>	A Court may award reasonable attorney's fees and costs to any voter who obtains injunctive relief under this Subsection. If the Court finds that an action brought by a voter under this Subsection is frivolous, the Court may award the defendant reasonable attorney's fees and costs (1.168(b))	In a civil action, the court may award to a prevailing party, other than an agency, the party's costs of litigation, including reasonable attorneys' fees (49.7.38(D))
<ul style="list-style-type: none"> <li>• <b>Factors for Penalty Size</b></li> </ul>	N/A	In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. (49.7.38(B)(4))