

ETHICS ISSUES FOR NON-RETURNING ASSEMBLYMEMBERS (2024)

Before Leaving Office – a Sitting Assemblymember may not:

- Hold a non-elective state office or state employment. This prohibition applies throughout an Assemblymember's term of office, and continues to apply even if an Assemblymember resigns from office.
 - o *Cal Const, Art. IV § 13.*
- Hold any paid federal office or any office in a local or federal government agency that is incompatible with their duties as an Assemblymember.
 - o *Cal Const, Art. VII § 7; Gov. Code, § 1099.*
- Receive or agree to receive compensation from a source other than the State of California for any service, advice, assistance or other matter related to the legislative process.
 - o *Gov. Code, § 8920, subd. (b)(4).*
- Accept or agree to accept compensation for making an appearance or taking any action before a state agency.
 - o *Gov. Code, § 8920, subd. (b)(3).*
- Receive salary or other earned income from a lobbyist, a lobbying firm, or anyone who has been under contract with the Legislature during the previous 12 months.
 - o *Cal Const, Art. IV § 4.*
- Accept or hold any outside employment or other interest that will impair their independence of judgment as an Assemblymember or that will induce them to disclose confidential Assembly information.
 - o *Gov. Code, § 8920.*
- Take official action in exchange for a promise of future employment (this is bribery).
 - o *Pen. Code, §§ 85-86, 518; 18 U.S.C., §§ 1346, 1951.*
- Use state resources to search for or secure outside or prospective employment.
 - o *Government Code, § 8314; Penal Code, § 424; Stanson v. Mott (1976) 17 Cal.3d 206, 213-223.*
- Participate in or use their official position to influence any government decision in which the official has a "financial interest." (Prohibition does not apply to decisions on general legislation.)
 - o *Gov. Code, §§ 87100; 87102.5-87102.6; 2 CCR, § 18700.*

- Participate in or use their official position to influence any government decision having a “direct and significant” financial impact on an entity with whom they are negotiating employment or who has made them an employment offer.
 - o This prohibition does not apply where the prospective employer is a state, local, or federal governmental agency.
 - o Gov. Code, § 87407; 2 CCR, § 18747.

After Leaving Office – Former Assemblymembers may not:

Receive compensation for engaging in direct communication with legislators or legislative staff for purposes of lobbying until one year after the close of the legislative session in which they resigned or departed.

- The ban does not apply to:
 - o An officer or employee of a state agency, board or commission when representing their agency;
 - o An official holding an *elective* office of a local government agency when representing their agency.
- Providing compensated advice to a client, including a lobbyist, lobbying firm or lobbyist employer, is not prohibited so long as the former Assemblymember does not communicate with sitting legislators or legislative staff.
- Direct lobbying of the Executive Branch or local agencies is not prohibited.

Who to Contact with Questions

- Assembly Legislative Ethics Committee at (916) 319-3752.
- Legislative Counsel at (916) 341-8000.