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POLITICAL REFORM ACT - CALIFORNIA

Travis v. Brand

Supreme Court of California - January 30, 2023 - P.3d - 2023 WL 1094709

City residents brought action alleging that political action committee created to oppose redevelopment of municipal waterfront failed to disclose identity of entities that supported ballot measure and that it was controlled by political candidates, in violation of Political Reform Act.

Following bench trial, the Superior Court entered judgment in defendants' favor and awarded attorney fees. Plaintiffs appealed and appeals were consolidated. The Second District Court of Appeal affirmed in part and reversed in part. Plaintiffs' petition for review was granted.

The Supreme Court held that as matter of first impression, prevailing defendant under Political Reform Act should not be awarded attorney fees and costs unless court finds that action was objectively without foundation when brought, or that plaintiff continued to litigate after it clearly became so.

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