

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)	
)	
Opinion requested by:)	No. 75-173
Janet K. Adams, President,)	August 3, 1976
California Coastal)	
Alliance, Inc.)	
)	

BY THE COMMISSION: We have been asked the following questions by Janet K. Adams, President of California Coastal Alliance, Inc.:

1. May a registered lobbyist endorse, solicit the endorsement of others, solicit volunteers and solicit general support for a member of the Legislature running for local non-partisan office?
2. May a registered lobbyist sign a letter addressed and mailed to the members of the lobbyist's organization if the costs of the mailing are paid for by the candidate's campaign committee?
3. What precisely may Ms. Adams, as an organization officer and a lobbyist, do on behalf of such a candidate within the scope of the Political Reform Act?

CONCLUSION

A lobbyist may perform volunteer personal services on behalf of an elected state officer who is campaigning for election to local office so long as, while doing so, the lobbyist does not engage in any of the activities prohibited by Government Code Section 86202. Prohibited activities include making, acting as an agent or intermediary in the making or arranging for the making of contributions to state candidates, committees supporting state candidates and elected state officers.

ANALYSIS

Ms. Adams is President of California Coastal Alliance, Inc., and is a registered lobbyist for that organization. She

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has asked the Commission whether participation in volunteer activities supporting an elected state officer who is running for local office would violate the Political Reform Act.^{1/}

Government Code Section 86202^{2/} states:

It shall be unlawful for a lobbyist to make a contribution, or to act as an agent or intermediary in the making of any contribution, or to arrange for the making of any contribution by himself or by any other person.

It is also unlawful for any person knowingly to receive any contribution which is made unlawful by Section 86202. Section 86204. For the purposes of these sections, a contribution means:

... a contribution made to a state candidate, a committee supporting a state candidate, or an elected state officer.

Section 86200.

Since Section 86202 expressly prohibits contributions to an elected state officer, it is irrelevant that in this particular case the officer in question sought election to a local office. Lobbyists are prohibited from making campaign contributions to lessen the potential for improper influences over elected state officers. The fact that a state officeholder decides to seek another office while still an incumbent does not eliminate the need to enforce provisions designed to further this purpose. Accordingly, a lobbyist is prohibited from making contributions to an elected state officer even if the officeholder is running for local or federal office. We, therefore, must consider whether any of the activities mentioned by Ms. Adams fall within the ambit of Section 86202.

^{1/} Ms. Adams is not legally required to register as a lobbyist because she receives no compensation or reimbursement for her lobbying activities. See Opinion requested by George G. Hardie, 1 FPPC Opinions 140 (No. 75-003, Oct. 23, 1975). However, she has chosen to register and to file reports in accordance with applicable provisions of the Political Reform Act. Moreover, she has not withdrawn her registration as a lobbyist pursuant to 2 Cal. Adm. Code Section 18601. Consequently, she must comply with the provisions of Section 86202 and the questions she raises are properly before us.

^{2/} All statutory references are to the Government Code unless otherwise noted.

This opinion request concerns volunteer services rendered by a registered lobbyist. We previously have observed that the Political Reform Act does not attempt to limit or to discourage volunteer personal participation in the political process, regardless of who the individual volunteer may be. Consequently, the definition of "contribution," Section 82015, excludes volunteer personal services, and this exclusion is applicable to volunteer services rendered by lobbyists. See Opinion requested by Elliott J. Dixon, 2 FPPC Opinions 70 (No. 75-187, June 1, 1976). See also Opinion requested by Wayne T. Carothers, 1 FPPC Opinions 122 (No. 75-123, Sept. 4, 1975).

Our opinion in Dixon makes it clear that a lobbyist may perform volunteer personal services for an elected state officer who is a candidate for office so long as the lobbyist does not engage in activities which would constitute making, acting as an agent or intermediary in the making, or arranging for the making of a contribution to a state candidate, elected state officer, or their committees. A person who endorses a candidate has not made a contribution to that candidate, other than a contribution of volunteer personal services.

In this case, Ms. Adams also has asked specifically whether a registered lobbyist may sign a letter of endorsement if the costs of mailing are paid by the candidate's campaign committee. If the contents of the letter are limited to endorsing, soliciting the endorsement of others, or soliciting volunteer support for the candidate, the lobbyist may send the letter without violating Section 86202.^{3/} Endorsing a candidate and urging others to vote for that candidate, whether by letter, precinct walking, telephone calls or other forms of communication are volunteer personal activities in which a lobbyist may participate.

Approved by the Commission on August 3, 1976. Concurring: Brosnahan, Carpenter, Lapan, Lowenstein, and Quinn.


Daniel H. Lowenstein
Chairman

^{3/} As we observed in the Dixon opinion, participation in fundraising activities on behalf of the elected state officer, even on a volunteer basis, generally would involve the lobbyist in campaign contributions in a manner that would run afoul of the prohibitions contained in Section 86202, and a lobbyist therefore should avoid such participation. Consequently, a registered lobbyist must refrain from sending a letter paid for by a candidate's campaign committee that solicits funds for the candidate.