



California Fair Political Practices Commission

January 2, 1987

Mr. George A. Aspatore
Norfolk Southern Corporation
Law Department
Suite 740 Washington Square
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Your Request for Information
Our File No. I-86-315

Dear Mr. Aspatore:

You have requested information concerning the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTION

What political activities may a corporation undertake in the State of California?

CONCLUSION

Campaign contributions made by a corporation to state and local candidates and committees are not prohibited under the Political Reform Act. State law does not limit the amount of contributions a corporation may make. Local ordinances may limit contributions in local campaigns.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18239(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18239(c)(3).)

ANALYSIS

The Political Reform Act does not limit the contributions which corporations may make. However, some California cities and counties have adopted local ordinances which impose campaign filing requirements in addition to or different from the requirements of the Political Reform Act. These additional or different requirements may only be imposed on candidates seeking election in that particular city or county and on certain committees. Committees covered may include local candidates controlled committees, committees formed primarily to support or oppose their candidacies, and committees formed primarily to support or oppose a local ballot measure which is being voted on only in that jurisdiction. (Government Code Section 81009.5) Effective January 1, 1987, this provision will provide that local ordinances may also impose the additional requirements on city and county general purpose committees active solely within the respective city or county.

The Political Reform Act does impose certain reporting duties on corporations. If a corporation makes contributions to state or local officeholders, candidates or committees totaling \$10,000 or more in a calendar year, the corporation will become a "committee" as defined in Government Code Section 82013(c) and must file campaign disclosure statements.

Section 82013 defines the term "committee" to mean "any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling five hundred dollars (\$500) or more in a calendar year;
- (b) Makes independent expenditures totaling five hundred dollars (\$500) or more in a calendar year; or
- (c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees..."

I have enclosed a copy of the "Political Reform Act of 1974 as Amended to January 1, 1986," the "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," and a "Summary of Local Campaign Disclosure and Contribution Limitation Ordinances." The Act and the Information Manual are currently being revised for use in 1987. I have requested that the 1987 material be sent to you as soon as it is available. The Commission is also conducting a survey of local jurisdictions in order to determine if there is a need to update the summary of local ordinances. It does appear to be somewhat outdated.

George A. Aspatore
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With regard to the conflict of interest provisions of the Political Reform Act, the act provides that "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Government Code Section 87100.) I have enclosed for your information copies of the conflict of interest regulations. The regulations adopted by the Fair Political Practices Commission are contained in the California Administrative Code, Title 2, Division 6.

I suggest you contact the State Attorney General's office directly for copies of opinions issued from that office. The address is: Department of Justice, 1515 K Street, Suite 511, Sacramento, CA 95814.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

Diane M. Griffiths
General Counsel

Mary Ann Kvasager

By Mary Ann Kvasager
Political Reform Consultant

DMG:MAK:cah

Enclosures



**NORFOLK
SOUTHERN**

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Nov 13 4 33 PM '86

George A. Aspatore
General Attorney

November 7, 1986

Ms. Mary Ann Kvasager
Political Reform Consultant
Fair Political Practices Commission
Technical Assistance and Analysis Division
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Kvasager:

I would appreciate any information you can send me concerning what political activities a corporation may undertake in your state. In addition to the state election laws, reporting requirements and any explanatory material prepared by your office, I am interested in relevant advisory opinions by the Attorney General and conflict of interest regulations or code of ethics for executive and legislative officials.

If there are other public sources of information which you think may prove useful to me, please let me know. Thank you for your assistance in this matter.

Sincerely,

George A. Aspatore
George A. Aspatore

Enclosure



California Fair Political Practices Commission

November 17, 1986

George A. Aspatore
Norfolk Southern Corporation
Suite 740, Washington Square
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: 86-315

Dear Mr. Aspatore:

Your letter requesting advice under the Political Reform Act was received on November 13, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh