



California Fair Political Practices Commission

December 15, 1988

Judith A. Malfatti
City Clerk
City of Burlingame
City Hall
501 Primrose Road
Burlingame, CA 94010

Re: Your Request for Advice
Our File No. I-88-431

Dear Ms. Malfatti:

This is in response to your request for advice regarding Proposition 73's prohibition on use of public funds for election purposes, and its application to ballot pamphlets.

QUESTION

Must proponents of initiative measures bear the cost of election statements disseminated by local governments to the local electorate?

ANALYSIS AND CONCLUSION

The various provisions of Proposition 73, which was adopted by the voters in the June 1988 statewide primary election, affect only campaigns and candidates for elective office. For example, Section 85300 provides that no public officer shall expend, and no candidate shall accept any public moneys for the purpose of seeking elective office. Thus, the restrictions and prohibitions enacted through Proposition 73 do not impact upon ballot measure campaigns, and proponents of such measures are not required, under the Political Reform Act, to bear the cost of election statements.^{1/}

^{1/} The Commission presently has under consideration the question of whether Proposition 73 prohibits local jurisdiction from expending public funds for candidate statements. No final position has been taken on this issue as of this writing.

Judith A. Malfatti
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I hope this responds adequately to your concern. If you have any questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

By: Lilly Spitz
Counsel, Legal Division

DMG:LS:plh



The City of Burlingame

CITY HALL - 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010

Frank J. Pagliaro Jr., Mayor
Irving S. Amstrup, Vice Mayor
Gloria H. Barton
Donald P. Lembi
Victor A. Mangini

FPPC
Nov 9 8 10 AM '88

TEL: (415) 342-8931

November 7, 1988

FPPC
428 J Street, 800
Sacramento CA 95814

I understand that under Proposition 73 candidates must bear the cost of election statements. Under this same proposition, must proponents of initiative measures bear the cost of election statements?

Sincerely,

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