



CALIFORNIA
Fair Political
Practices Commission

March 7, 1989

Roy Lockwood
327 South C Street
Oxnard, CA 93030

RE: Your Request for Advice
Our Advice File A-89-040

Dear Mr. Lockwood:

You have requested advice concerning your duties as a city council candidate under the campaign provisions of the Political Reform Act of 1974.¹

QUESTION

As a candidate for elective office, are you required to file the Forms 501 and 502, and open a checking account, if you will accept no contributions and you will pay for goods and services related to the campaign at the time the goods are delivered or services rendered?

ANSWER

You are required to file the Forms 501 and 502 if you spend any money, whether collected from other sources or not, for any purpose related to the campaign other than for filing fees or a candidate statement fee. Even though your personal funds may be used exclusively to make campaign expenditures, you must establish a separate checking account, deposit your personal funds into that account, and make all expenditures from that account. In addition, if you spend \$1,000 or more within a calendar year, you must file the Form 410 and establish a committee.

FACTS

You are a candidate for the Oxnard city council and do not intend to accept any contributions to support your campaign. All campaign expenditures will be made out of your personal funds and it is your intention to pay cash for any goods or services you purchase. Remittance will be made for goods and services at the time expenses are incurred.

¹Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

Section 85200 requires that:

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office shall file with the commission a statement signed under penalty of perjury of intention to be a candidate for a specific office.

Section 85201(a) provides:

Upon the filing the statement of intention ... the individual shall establish one campaign contribution account at an office of a financial institution located in the state.

Commission regulations provide an exception from these requirements by excluding any payments from the candidate's personal funds to pay a filing fee or a candidate statement fee. (Regulation 18522.) In other words, if the only funds that are expended on a campaign are the candidate's personal funds to pay a filing fee or a candidate statement fee, the candidate need not file Forms 501 or 502.

Section 85201(d) provides:

Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the [campaign bank] account prior to expenditure.

You have requested that we check our records and determine whether you are on our list to receive the FPPC Monthly Bulletin. We have checked, and your name is still on our list, with the same address as this letter. You also have requested a copy of the Proposition 68 and 73 manual. Unfortunately, the Interim Campaign Information Manual regarding Propositions 68 and 73 is not ready at this time. A new court decision has delayed its production. Please contact your city clerk in mid-March for a copy.

If you have any additional questions, please contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Kevin S. Braaten-Moen
Political Reform Consultant

Roy W. Lockwood
327 So. "C" Street
Oxnard, California 93030
January 11, 1989

Fair Political Practices Commission
428 "J" Street, suite 800
Sacramento, California 95814

FPPC
JAN 17 4 11 PM '89

Attention Technical Assistance:

Undersigned Candidate for Oxnard City Council does not accept any contributions nor loans for his campaign.

All funds are his own personal funds and paid out of his personal finances.

As the bills come up he pays cash on the spot or pay as you go.

Therefore, the question arises since it is pay as you go and since no budget is planned due to pay as you go the undersigned is of the opinion there is no need for filing a FPPC Form 501 and 502 as it cannot be anticipated what expenses will develop.

Can you clarify the question as to whether or not a Form 501 and 502 must be filed or exempt? Or should the 501 and 502 be required after the \$1,000 dollar limit is made.

Since pay as you go means there are no ^{bank} funds deposited, it is, in my opinion, unreasonable, to have a bank account as nothing is deposited in same.

Could a ruling on the above be rendered.

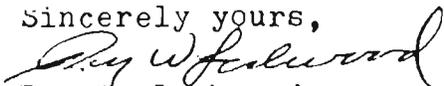
Also I have not been receiving The FPPC Monthly Bulletins.

Could you check your mailing list to determine I'm still on the mailing list to receive same.

Could you send me copies of Interim Information Manual on Proposition 68 and 73.

Thank you for your cooperation in regard to the above.

Sincerely yours,


Roy W. Lockwood

Roy W. Lockwood
 327 So. "C" Street
 Oxnard, California 93030
 January 11, 1989

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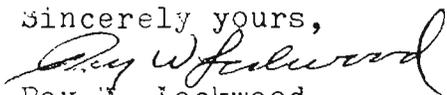
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Roy W. Lockwood



California Fair Political Practices Commission

January 20, 1989

Roy W. Lockwood
327 So. "C" Street
Oxnard, CA 93030

Re: Letter No. 89-040

Dear Mr. Lockwood:

Your letter requesting advice under the Political Reform Act was received on January 17, 1989 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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Jeanne Pritchard
Chief Technical Assistance
and Analysis Division *by jpb*

JP:plh