



# California Fair Political Practices Commission

October 2, 1989

Honorable Lucille Roybal-Allard  
Assemblywoman Fifty-Sixth District  
P.O. Box 33276  
Los Angeles, CA 90033

Re: Your Request for Advice  
Our File No. A-89-044

Dear Assemblywoman Roybal-Allard:

In January 1989, you first wrote to us concerning the effect of Government Code Section 85306, as added by Proposition 73,<sup>1/</sup> on the use of campaign funds received prior to January 1, 1989. This topic has been the subject of litigation for the last several months. We have included your name on our mailing list for Propositions 68 and 73, and thereby attempted to keep you informed of the Commission's interpretation of the law during this time period. The purpose of this letter is to inform you of the most recent development on this issue.

On September 14, 1989, a federal court ruled that Section 85306 is unconstitutional and enjoined the Fair Political Practices Commission from enforcing that law. (Service Employees International Union v. Fair Political Practices Commission, Case No. CIVS 89-0433 LKK-JFM, U.S. District Court, Eastern District of California.) A copy of the court order is enclosed.

Accordingly, campaign funds received prior to January 1, 1989 may now be used to support or oppose a candidacy for elective office. We caution that candidates and elected officers who possess those funds may not use them to make contributions to any other candidate for elective office. (Section 85304.) We also caution that these funds may not be used for personal expenditures, as defined in Elections Code Sections 12400-12407.

Attached is a Commission advice letter which explains the procedures for transferring these funds to a current campaign account.

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<sup>1/</sup> Proposition 73 was adopted by the voters in June 1988. It amended the Political Reform Act (Government Code Sections 81000-91015.) All references are to the Government Code unless otherwise indicated.

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If you have any questions concerning this letter, please contact the Commission's Technical Assistance and Analysis Division at (916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel

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# Assembly California Legislature

January 17, 1989

LUCILLE ROYBAL-ALLARD

ASSEMBLYWOMAN FIFTY-SIXTH DISTRICT

Ms. Jeannie Pritchard  
Technical Assistance Consultant  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804

Committees  
Health  
Labor & Employment  
Local Government  
Utilities & Commerce  
Subcommittee on Immigration  
in the Workplace Chair  
Subcommittee on Safety  
in the Workplace  
Subcommittee on State  
Local Relations  
Select Committee on  
Sexual Assault Victims  
Assistance Chair  
Select Committee on  
Youth  
Joint Committee on Refugee  
Resettlement International  
Migrant and Cooperative  
Development  
Commission of the California

Dear Ms. Pritchard:

This letter is for purposes of obtaining written advice to the following questions set forth below, which are based upon hypothetical situations.

1. Once campaign funds have been segregated into a new account pursuant to the contribution limits set forth by Proposition 73, can the candidate continue to hold his/her old account open and designate it as an office holder account?
2. Can the office holder account be used for any of the following:
  - a) Payment of community recognition events for constituents.
  - b) Payment of contributions to non-profit youth and adult organizations.
  - c) Payment of participation fees for parades held in the district.
  - d) Payment of annual community Christmas party.
  - e) Payment of printing and mailing Christmas Cards to constituents.
  - f) Payment of political consultant services.
  - g) Payment of any and all expenses incurred while providing services to constituents.
  - h) Payment of expenses for office related social activities i.e.; staff birthdays, Christmas parties, thank you gifts and recognition gifts.
3. Can seed moneys from the office holder account and the campaign account be used for a fundraiser and the proceeds be divided proportionally to the amount spent from each account?

Your prompt response would be greatly appreciated. Thank you very much in advance for your assistance.

Sincerely,

  
LUCILLE ROYBAL-ALLARD  
Assemblywoman





# California Fair Political Practices Commission

January 24, 1989

Honorable Lucille Roybal-Allard  
Assemblywoman 56th District  
P.O. Box 33276  
Los Angeles, CA 90033

Re: Letter No. 89-044

Dear Assemblywoman Roybal-Allard:

Your letter requesting advice under the Political Reform Act was received on January 23, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan an attorney in the Legal Division, directly at (916) 322-5901.

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 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,

*Kathryn E. Donovan*  
Diane M. Griffiths  
General Counsel

DMG:plh