



California Fair Political Practices Commission

March 1, 1989

Honorable Bill Lockyer
California State Senate
Tenth Senate District
State Capitol
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-074

Dear Senator Lockyer:

This is in response to your request for advice regarding the effects of a district number change due to reapportionment upon the reporting or use of campaign funds under the provisions of the Political Reform Act.^{1/}

QUESTION

What is the impact, if any, of a district number change due to reapportionment upon the reporting or use of campaign funds you have received in connection with your reelection to the Senate?

CONCLUSION

You would need only to amend the Form 501 to show the newly-assigned district number if a change occurs due to redistricting. Contributions you received for reelection to the Senate in a particular year would be available for expenditure for expenses associated with your election to the new Senate district in that year and expenses of holding that office.

^{1/} Government 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 candidates for elective office to file with the Commission a statement of intention to be a candidate for a specific office prior to the solicitation or receipt of any contribution or loan. Moreover, Section 85202(b) states that "All contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate to the specific office for which the candidate has stated, pursuant to Section 85200, that he or she intends to seek or expenses associated with holding that office."

The Commission has issued interpretative regulations which, in conformance with the aforementioned statutory provisions, require a candidate for elective office to file a statement of intention (Form 501) prior to soliciting contributions or loans for elective office. The statement must specify the office sought and the particular election year. Candidates may file statements of intention to be candidates for more than one office, but contribution limits apply to the aggregate amount contributed to all offices for which the candidate has filed. (Regulation 18520, copy enclosed.) Additionally, candidates must establish separate controlled committees for each specific office identified in the statement of intention. (Regulation 18521, copy enclosed.) Transfers of contributions and assets between committees controlled by the same candidate are prohibited. (Section 85304; Regulation 18534, copy enclosed).

However, a district number change due to reapportionment does not change the office sought by the candidate for purposes of Section 85200. Reapportionment simply changes the identification number of the district, but does not change the candidate's plan to seek election to the Senate district for which he is eligible. Thus, any funds deposited in the campaign account may be used for the candidate's campaign for the new district and no restrictions or new reporting requirements are imposed upon the candidate.^{2/}

You have filed with the Commission a Statement of Intent, Form 501, stating that you intend to seek office as a member of the California Senate for District #10 in the November, 1990, elections. Should your district's number change at a later date due to reapportionment, you need only file with the Commission an amended Form 501 showing the new number assigned to your district and stating that the change is due to reapportionment.

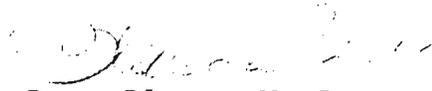
^{2/} This letter does not address the effects of a change in district sought due to the candidate's voluntary relocation of his residence.

Honorable Bill Lockyer
March 1, 1989
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Do not hesitate to call me at (916) 322-5901 if I may be of further assistance.

Sincerely,

Diane M. Griffiths
General Counsel



By: Blanca M. Breeze
Counsel, Legal Division

DMG:BMB:ld

Enclosure

CALIFORNIA STATE SENATE

SACRAMENTO OFFICE
STATE CAPITOL
SACRAMENTO CALIFORNIA 95834
(916) 448-6471

DISTRICT OFFICES

- 22300 FOOTHILL BLVD., SUITE 415
MAYFIELD, CALIFORNIA 94541
(415) 682-8800
- 8440 STONERIDGE MALL ROAD
SUITE 615
PLEASANTON, CALIFORNIA 94566
- 4728 THORNTON AVE. 4TH
FREMONT, CALIFORNIA 94538
(415) 780-3608

BILL LOCKYER
TENTH SENATORIAL DISTRICT
SOUTHERN ALAMEDA COUNTY



COMMITTEES

CHAIRMAN JUDICIARY
APPROPRIATIONS
ELECTIONS
GOVERNMENTAL ORGANIZATION
HOUSING AND URBAN AFFAIRS
INDUSTRIAL RELATIONS
REVENUE AND TAXATION
TRAFFIC AND PUBLIC SAFETY
MANAGEMENT

January 27, 1989

Mr. John Larson, Chairman
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Mr. Larson,

I would like to request that the Fair Political Practices Commission issue a ruling to clarify the impact, if any, of a district number change due to reapportionment upon the reporting or use of existing campaign funds.

Thank you for your attention and consideration.

Sincerely,

BILL LOCKYER
State Senator

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**California
Fair Political
Practices Commission**

February 7, 1989

The Honorable Bill Lockyer
California State Senate
State Capitol
Sacramento, CA 95814

Re: Letter No. 89-074

Dear Senator Lockyer:

Your letter requesting advice under the Political Reform Act was received on January 30, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Blanca Breeze 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,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:ld