

I-89-137 (Laruccia)

**This letter is SUPERSEDED by the 1998 amendments to Regulation 18530. Regulation 18530 revised the Commission's interpretation of Government Code Section 85300. Prior to the amendment, the Commission interpreted Section 85300 to prohibit the use of public resources for campaign purposes. Amended Regulation 18530 provides that Section 85300 only prohibits the payment of public moneys for the public financing of elections.**



# California Fair Political Practices Commission

SUPERSEDED BY 1998  
AMENDMENTS TO  
REGULATION 18530

March 30, 1989

Victor A. Laruccia, Ph.D.  
Telecommunications Administrator  
City of Pasadena  
100 north Garfield Avenue  
Pasadena, CA 91109

Re: Your Request for Informal  
Assistance, Our File  
No. I-89-137

Dear Dr. Laruccia:

You have requested advice regarding the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1</sup> Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).<sup>2</sup>

## QUESTION

Are there any campaign disclosure requirements regarding cable TV access channels which are operated by a municipal government?

## CONCLUSION

There are no campaign disclosure requirements which apply specifically to cable TV access channels operated by a municipal government, however, there may be some disclosure obligations if in the operation of the cable TV access channels there are any contributions to California state or local candidates or officeholders. Additionally, there may be activities which are prohibited because public money may not be used to support or oppose a candidacy.

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<sup>1</sup>Government Code Sections 8100-91015. 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.

<sup>2</sup>Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Laruccia, Victor A., Ph.D.  
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ANALYSIS

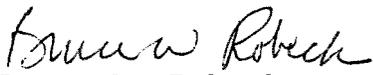
Your letter requests information about campaign practices which affect policies for a cable TV access channel which is owned and operated by the City of Pasadena. There are no specific guidelines established by the Commission which govern the use of cable TV channels which are owned or operated by a local government. However, you should be aware that if candidates or committees are provided with unequal access to the cable TV channel, a contribution may have been made to the benefited candidate or committee. (See Brennan Advice Letter, No. A-86-266; Morten Advice Letter, No. A-88-293; copies enclosed.)

A related problem may affect the making of a contribution to a candidate or committee by a public entity. A new provision of law prohibits a public officer from expending and a candidate from accepting any public moneys for the purpose of seeking public office. (Sections 85300, 85102(e).)<sup>3</sup> Without presentation of a specific set of facts, we cannot advise you as to whether an expenditure by the City of Pasadena which is in the form of a contribution to a candidate or a committee controlled by a candidate or to a committee formed primarily to support or to oppose a candidate is prohibited. (Sections 82007, 82016, and 82047.5.) Because Commission advice is that providing equal access to candidates by television or radio broadcasters is not considered to be a contribution to the candidates, we suggest that you contact the Commission for advice prior to making the cable TV access channel available to candidates on anything but an equal basis.

If you have further questions regarding the advice in this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Bruce W. Robeck  
Political Reform Consultant

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<sup>3</sup>Prior to enactment of these statutes, the California Supreme Court held that public agencies generally may not spend public funds for the purpose of influencing the voters in an election campaign. (Stanson v. Mott (1976) 17 Cal. 3d 206; Miller v. Miller (1978) 87 Cal.App. 3d 762.)

# City of Pasadena

ONE HUNDRED NORTH GARFIELD AVENUE,

PASADENA, CALIFORNIA 91109

FPPC  
MAR 1 3 25 PM '89



TELECOMMUNICATIONS  
ADMINISTRATION  
794-8585

February 27, 1989

Mr. John McLean  
Fair Political Practices Commission  
Legal Division  
428 J Street, Suite 800  
Sacramento, CA 95814

Dear Mr. McLean:

We administer and operate a municipal government cable TV access channel, 55 KPAS in Pasadena. We are in the process of establishing policy guidelines for the use of this channel. Does the FPPC have existing or planned regulations regarding the use of cable TV access channels? This is important if policy is to be set for Fairness standards on the one hand, and campaign practices on the other.

Could you please send any relevant material or let us know of any FPPC plans in this regard?

Thank you for your help.

Sincerely,

*Victor A. Laruccia*

Victor A. Laruccia, PhD  
Telecommunications Administrator

VAL/mvk



# California Fair Political Practices Commission

March 2, 1989

Victor A. Laruccia, PhD  
Telecommunications Administrator  
One Hundred North Garfield Avenue  
Pasadena, CA 91109

Re: Letter No. 89-137

Dear Dr. Laruccia:

Your letter requesting advice under the Political Reform Act was received on March 1, 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

JP:plh