



California Fair Political Practices Commission

March 20, 1989

Robert E. Leidigh
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request For Advice
Our File No. A-89-167

Dear Mr. Leidigh:

You have requested confirmation of telephone advice provided to you regarding the campaign provisions of the Political Reform Act, 1/ specifically with regard to the use of contributions received by a candidate or committee prior to January 1, 1989 ("restricted campaign funds"). You have requested this advice on behalf of your clients, who are identified in your written request for confirmation.

Your letter correctly states my advice that candidates and committees may spend their restricted campaign funds for litigation expenses in the following circumstances:

(1) An elected state officer has been sued. The lawsuit alleges a failure to make certain disclosures on his statements of economic interests filed several years ago in his previous capacity as an elected local official. 2/ The elected state officer may use his restricted funds to defend against this lawsuit. This advice does not permit other candidates and committees to contribute their restricted campaign funds to the elected state officer for these litigation expenses. (Regulation 18536.2(a)(1).)

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.

2/ In our telephone conversations concerning this situation, you indicated that the office previously held by the officer was an "elective" office.

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(2) A non-controlled general purpose committee wishes to expend its restricted funds to finance litigation related to the issue of whether and to what extent its campaign funds may be used for making contributions to candidates for future elections. These expenditures are a permissible use of restricted funds unless they are contributions to a candidate, controlled committee, or primarily formed committee. (Regulation 18536.2(a)(1).)

(3) A candidate wishes to expend restricted funds to finance litigation related to the issue of whether and to what extent his campaign funds may be used to support his future candidacy for elective office. These expenditures are a permissible use of restricted funds unless they are contributions to a candidate, controlled committee, or primarily formed committees. (Regulation 18536.1(a)(1).)

If you have any questions about this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division