



# California Fair Political Practices Commission

April 13, 1989

Lorraine Washington  
City Clerk  
City Hall  
P.O. Box 430  
Watsonville, CA 95077

Re: Your Request for Advice  
Our File No. I-89-183

Dear Ms. Washington:

You have requested confirmation of telephone advice on behalf of candidates for Watsonville City Council regarding the candidates' campaign disclosure requirements under the Political Reform Act (the "Act").<sup>1/</sup> The telephone advice was provided by Alice Hughes, and I am writing to confirm the advice. <sup>2/</sup>

The general municipal election for the City of Watsonville, scheduled for May 9, 1989, was postponed to an unknown future date pursuant to litigation involving the conduct of the City's elections. A new election date will be determined as part of a plan which must be approved by the court with jurisdiction over the case.

(1) The candidates for the canceled May 9, 1989 election should file semiannual campaign disclosure statements for the first six months of 1989 and for each subsequent six month portion of a calendar year until they cease to be candidates. (Sections 84200 and 82007.) The period covered by the first semiannual statement is January 1, 1989 through June 30, 1989, and it is due on or before July 31, 1989. (Section 84200.) Preelection statements will be required to be filed by the city council

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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>Your letter poses general filing questions. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3).)


candidates at such times and covering such time periods as is appropriate to the date of the election as determined by the outcome of the City's election procedure litigation. (Sections 84200.7 and 84200.8.)

(2) If a candidate has filed a statement of intention to be a candidate for a specific city council office at the May 9, 1989 city election (Form 501), has established a single campaign account for the purpose of expending funds to seek the office noticed in the statement of intention, and has provided notice to the Commission of the campaign account (Form 502), then the candidate may continue to solicit and to receive campaign funds and may continue to expend these campaign funds for the purpose of seeking the office as specified in the original Form 501. When the day for the election to city council is determined, the candidate must amend his or her Form 501 and Form 502 to disclose the date of the election.

If you have further questions, you may call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Bruce W. Robeck  
Political Reform Consultant



# CITY OF WATSONVILLE

March 22, 1989

F-PC  
MAR 27 1989  
RECEIVED

Mayor &  
City Council  
728-6006  
250 Main

Administration  
Offices  
215 Union

City Manager  
728-6011

City Attorney  
728-6013

Personnel  
728-6012

City Offices  
250 Main

City Clerk  
728-6005

Building Insp.  
728-6017

Finance  
728-6031

Planning  
728-6020

Public Works  
728-6049

Fire  
728-6060  
115 Second

Library  
728-6040  
310 Union

Purchasing  
728-6029  
231 Union

Recreation  
728-6081  
20 Maple

Rehab. Housing  
728-6022  
231 Union

Fair Political Practices Commission  
Alice Hughes  
Technical Assistance  
P. O. Box 807  
Sacramento, CA 95804-0807

Dear Alice:

This letter will confirm our conversation by telephone today.

As I explained to you, the May 9, 1989, General Municipal Election was canceled by the City Council on March 21, 1989. This action was taken after the U. S. Supreme Court denied the City's Petition for Writ of Certiorari to the U. S. Court of Appeals for the Ninth Court on March 20, 1989. The City was sued by MALDEF in 1985 charging the City's at-large voting system violated the Voting Rights Act of 1965. The case was heard in the U. S. District Court for the Northern District of California and a decision in favor of the City was handed down on January 30, 1987. However, the decision was appealed by MALDEF and heard in the U. S. Court of Appeals for the Ninth Court. That court reversed the decision of the U. S. District Court in July of 1988. The City then filed the Writ of Certiorari in December of 1988.

The City must now devise a districting plan to be implemented as soon as possible. A new election date will be set when the District Court Judge approves the plan.

My questions to you this morning were:

- (1) Do the candidates for the canceled May election file the first campaign statement that was due on March 30, 1989?

Your advice: candidates should file a semi-annual statement in July for the period from January 1 to June 30, 1989.

- (2) Can the money raised from the time of nomination to present be used for the election (date uncertain at this time)?

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Your advice: the money raised can be used for the new election because the election was canceled.

(3) What about Forms 501 and 502?

Your advice: amended forms should be filed when candidates again qualify for new elections; and a letter should accompany the form explaining the canceled election and stating the new election date.

(4) Can candidates continue to accept contributions?

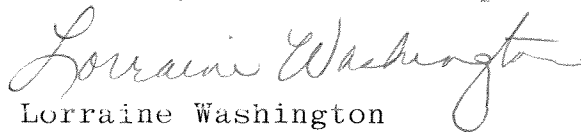
Your advice: yes, as long as Forms 501 and 502 have been filed.

You also checked your print out and found that the following candidates have filed Forms 501 and 502: Todd McFarren, Jeffrey Solinas, Rebecca J. Garcia, and Wanda "Gwen" Carroll. Three other candidates were not on your print out, and I will notify them again of this obligation.

I request that the above information be verified by letter so I may pass it along to the candidates and our City Attorney.

As usual, your prompt assistance is very much appreciated.

Sincerely,



Lorraine Washington  
City Clerk

LW:tr

cc: Don Haile  
City Attorney



# California Fair Political Practices Commission

March 29, 1989

Lorraine Washington  
City Clerk  
City Hall  
P.O. Box 430  
Watsonville, CA 95077

Re: Letter No. 89-183

Dear Ms. Washington:

We received your letter requesting confirmation of advice under the Political Reform Act on March 27, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

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

Sincerely,

A handwritten signature in cursive script, reading "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh:confadv1