



# California Fair Political Practices Commission

June 16, 1989

R. Oak Dowling, Inc.  
Attorney At Law  
Courthouse Square  
1000 Fourth Street  
San Rafael, CA 94901

Re: Your Request for a Confirmation  
of Telephone Advice  
Our File No. A-89-310

Dear Mr. Dowling:

This is in response to your request for advice on behalf of San Rafael City Councilmember Dorothy L. Breiner relative to the newly enacted provisions of the Political Reform Act (the "Act").<sup>1/</sup>

This letter confirms that your letter dated May 17, 1989 accurately summarizes the telephone advice I provided to you on that day concerning the decision in Service Employees International Union, AFL-CIO, et al. v. California Fair Political Practices Commission, United States District Court, Eastern District of California, Case No. CIVS-89-0433, LKK-JFM (hereafter, "SEIU case").

As I stated in our telephone conversation, Section 85306 prohibits candidates from using campaign contributions received prior to January 1, 1989 to support or oppose any candidate for elective office on or after that date. However, due to a recent ruling in the SEIU case, funds raised prior to January 1, 1989 that are in compliance with the contribution limits of the Act may be used for future elections. Funds raised prior to January 1, 1989 that are in excess of the contribution limits of the Act may be used for any lawful purpose other than to support or oppose a candidate for elective office.

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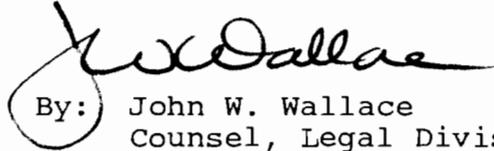
<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Please be aware that this interpretation is subject to change once the SEIU case has been decided on the merits.

If you have any further questions regarding this matter, please feel free to contact this office at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in black ink, appearing to read "J. Wallace", written over a circular stamp.

By: John W. Wallace  
Counsel, Legal Division

KED:JWW:plh

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May 17, 1989

John Wallace, Esq.  
Fair Political Practices Commission  
428 J Street  
Suite 800  
P.O. Box 807  
Sacramento, CA 95804

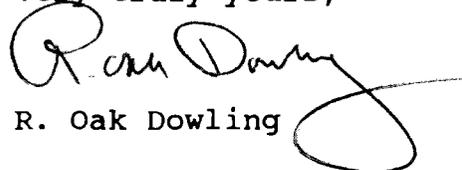
RE: PROPOSITION 73

Dear Mr. Wallace:

This will confirm our telephone conversation of May 17, 1989, wherein you advised that under the decision by United States District Judge Lawrence Karlton of May 15, 1989, all campaign funds collected prior to January 1, 1989, may be used for the 1989 elections, subject to contribution limits.

This letter is written in behalf of the Dorothy L. Breiner campaign for City Council for the City of San Rafael, 1989 election.

Very truly yours,

  
R. Oak Dowling

ROD/dmr

cc: Dorothy L. Breiner, San Rafael City Council

89-310

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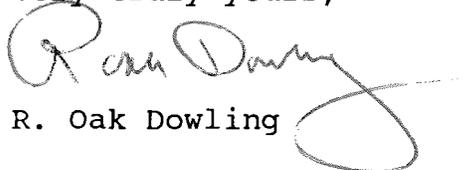
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