



California Fair Political Practices Commission

June 16, 1989

Honorable Julian C. Dixon
Congressman, 28th Congressional District
Dixon Campaign Committee
1581 Roxbury Drive
Los Angeles, CA 90035

Re: Your Request for Advice
Our File No. A-89-311

Dear Mr. Dixon:

This is in response to your request for advice regarding contribution limitations under the new provisions added to the Political Reform Act (the "Act")¹ by Proposition 73.

QUESTIONS

1. On or after July 1, 1989, may your federal campaign committee make a contribution to a candidate for a California elective office?
2. What are the contribution guidelines or limitations if the candidate is not reelected?

CONCLUSIONS

1. On or after July 1, 1989, your federal campaign committee may contribute up to \$1,000 to any candidate for a California elective office.
2. If the candidate is not reelected, your federal campaign committee may still make contributions of no more than \$1,000 per fiscal year to any candidate until such time as the candidate terminates his or her status as a candidate.

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.

FACTS

You are a member of the House of Representatives in the Congress of the United States. Your congressional campaign committee has contributed \$1,000 to a candidate for a California city council. The candidate's general election was held in April 1989 and the run off election will be held in June 1989. Your contribution was made within the fiscal year ending June 30, 1989. On or after July 1, 1989, your federal campaign committee wants to make a new contribution to the same candidate.

ANALYSIS

The Act imposes limits on permissible campaign contributions. No person may make contributions to a candidate for elective office in excess of \$1,000 in each fiscal year. (Section 85301(a).) For purposes of our analysis, a "person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and labor organization. (Section 85102.) Your federal campaign committee is a person under the Act and limited to a contribution not to exceed \$1,000 per candidate in any one fiscal year.

Additionally, for purposes of the Act, whether an incumbent is reelected or defeated is of no consequence. Even if defeated in an election, a candidate remains such until the candidate terminates his or her status as a candidate. (Section 82007.) A candidate may terminate his or her status as a candidate only by filing a Statement of Termination declaring, under penalty of perjury, that the candidate:

- (1) Has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future;
- (2) Has eliminated or has declared that it has no intention or ability to discharge all of its debts, loans received and other obligations;
- (3) Has no surplus funds; and
- (4) Has filed all required campaign statements disclosing all reportable transactions.

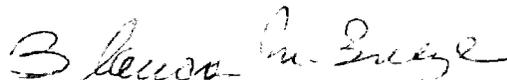
(Regulation 18404(b), copy enclosed.)

Your federal campaign committee may therefore make contributions to a candidate even when the candidate has failed to gain reelection, as long as his or her status as a candidate has not terminated.

I trust this letter adequately answers your request for advice. Should you have any further questions regarding this matter, do not hesitate to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, appearing to read "Blanca M. Breeze".

By: Blanca M. Breeze
Counsel, Legal Division

KED:BMB:plh

JULIAN C. DIXON
28TH DISTRICT, CALIFORNIA

COMMITTEES:
APPROPRIATIONS
CHAIRMAN,
SUBCOMMITTEE ON THE
DISTRICT OF COLUMBIA
MEMBER,
SUBCOMMITTEE ON
FOREIGN OPERATIONS
CHAIRMAN,
COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT

Congress of the United States
House of Representatives
Washington, DC 20515

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ANDREA TRACY HOLMES
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111 NORTH LABREA AVENUE
SUITE 301
INGLEWOOD, CA 90301
(213) 678-5424

PATRICIA MILLER
ADMINISTRATIVE ASSISTANT

May 17, 1989

Attorney John Wallace
FPPC
428 J Street, Suite 800
Sacramento, California 95814

Dear Mr. Wallace:

This letter is to request a written opinion regarding contribution limitations under Proposition 73.

My specific questions deal with contribution limitations per candidate from an individual. (I understand that my Congressional Campaign Committee is defined as an individual, under Prop. 73).

As an individual I have contributed the maximum \$1,000.00 to a city council candidate. The general election was held in April 1989 and the run off election will be held in June 1989. This contribution was made within the fiscal year ending June 30, 1989.

On or after July 1, 1989, can I make another contribution to be used by this candidate for debts incurred for the April 1989 and/or June 1989 elections. Other than the \$1,000 maximum, are there any limitations?

What are the contribution guidelines and/or limitations if said candidate is not reelected? Please reply to:

Dixon Campaign Committee
1581 Roxbury Drive
Los Angeles, California 90035

I appreciate your assistance.

Sincerely,



JULIAN C. DIXON
Member of Congress

JCD:pma

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FPPC

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28TH DISTRICT, CALIFORNIA

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I appreciate your assistance.

Sincerely,


JULIAN C. DIXON
Member of Congress

JCD:pma





California Fair Political Practices Commission

May 23, 1989

Honorable Julian C. Dixon
Member of Congress
House of Representatives
111 North LaBrea Avenue, Suite 301
Inglewood, CA 90301

Re: Letter No. 89-311

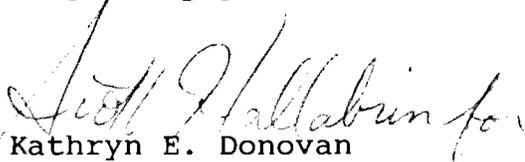
Dear Mr. Dixon:

Your letter requesting advice under the Political Reform Act was received on May 19, 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,


Kathryn E. Donovan
General Counsel

KED:plh