



# California Fair Political Practices Commission

July 18, 1989

Ken Calvert, Chairman, and  
Ethel M. Silver, Executive Director  
Lincoln Club of Riverside County  
6840 Indiana, Suite 140  
Riverside, CA 92506

Re: Your Request for Advice  
Our File No. A-89-403

Dear Mr. Calvert and Ms. Silver:

This is in response to your letter requesting assistance on behalf of the Lincoln Club of Riverside County regarding the newly enacted provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

May the Lincoln Club of Riverside County solicit funds from candidates, political committees and county central committees for the purpose of administering voter registration activities?

## CONCLUSION

The Lincoln Club of Riverside County may solicit and receive unlimited contributions from political committees and county central committees for voter registration activities provided the expenditures for voter registration activities are not at the behest of any candidate. In addition, the Lincoln Club may receive compensation for voter registration activity from candidates provided the compensation is from the candidate's bank account for a future campaign.

## FACTS

The Lincoln Club of Riverside County is a political committee interested in doing voter registration in Riverside County. At

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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.

this time the Lincoln Club is contemplating fund-raising for the voter registration activity. You have asked whether the Lincoln Club may solicit money for voter registration from the County Republican Party, other political committees and candidate controlled committees. You have also asked whether the contribution limits of the Act are applicable.

#### ANALYSIS

#### Voter Registration and the Contribution Limits of the Act

Proposition 73 reflected an understanding that political committees perform a variety of functions in addition to contributing money to candidates for elected office. For example, Section 85302 provides:

No person shall make and no political committee, broad based political committee, or political party shall solicit or accept, any contribution or loan from a person which would cause the total amount contributed or loaned by that person to the same political committee, broad based political committee, or political party to exceed two thousand five hundred dollars (\$2,500) in any fiscal year to make contributions to candidates for elective office. (Emphasis added.)

In addition, Section 85303(c) provides:

Nothing in this Chapter shall limit a person's ability to provide financial or other support to one or more political committees or broad based political committees provided the support is used for purposes other than making contributions directly to candidates for elective office. (Emphasis added.)

These two sections, when read together, permit contributions to political committees, which are not subject to the contribution limits of the Act, provided the contributions are not for the purpose of making contributions to candidates for elective office. However, the Commission has yet to clearly delineate the scope of the phrase "for purposes other than making contributions directly to candidates for elective office." The Commission will be considering this question at its regularly scheduled meetings in either August or September. In the meantime, we advise that the exception does not apply to money that will ultimately go to candidates as contributions, whether monetary or in-kind. (Section 82015.)

You have asked specifically about soliciting funds for voter registration activity. Under the definition of contribution as set forth in Section 82015 and Regulation 18215 (copy enclosed), voter registration activity will not be treated as a contribution

to a specific candidate unless it is performed at the behest of the candidate. Where voter registration is not controlled or directed by a candidate, nor performed in cooperation, consultation, coordination, or concert with a candidate, nor at a candidate's request or suggestion, the activity will not be treated as a contribution to any candidate. (Regulation 18215(b).) Thus, funds contributed to the Lincoln Club that will be used in this manner will not be subject to the Act's contribution limits.

#### Who May Contribute

You have asked whether the Lincoln Club may solicit funds for voter registration activity from other political committees, county central committees, or candidate controlled committees. Section 85302 provides that a person may give up to \$2,500 per fiscal year to a political committee for the purposes of making contributions to candidates for elective office. Where a contribution is from a person to a committee for purposes other than making contributions to candidates (see above), it is not limited by the Act. Political committees and county central committees qualify as persons with respect to the contribution limits of Section 85302, and may, therefore, contribute unlimited amounts to a committee's voter registration activities.

However, Proposition 73 implemented two additional restrictions on the use of campaign funds possessed by candidates and their controlled committees.<sup>2/</sup> Section 85202(b) provides that all contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate to the specific office for which the candidate has stated that he or she intends to seek, or expenses associated with holding that office. Section 85304 prohibits a candidate for elective office or committee controlled by that candidate or candidates for elective office from transferring any contribution to any other candidate for elective office or their controlled committees.

Section 85202(b) permits the use of campaign funds to pay for expenses associated with the election of the candidate to the office for which the candidate raised the funds or for expenses associated with holding that office. The Commission has determined that a candidate's payment for registering voters is a campaign-related expenditure. (Regulation 18525(a)(4), copy enclosed.) Accordingly, a candidate may use campaign funds to pay a committee for voter registration activities, provided the candidate uses his or her campaign bank account for a future candidacy to make these payments. (Regulation 18525.) Where the payments constitute adequate consideration for the registration services provided, the

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<sup>2/</sup> Neither restriction applies to contributions by political committees, broad based political committees or county central committees.

payments will not be a contribution to the committee. (Martin Advice Letter, A-89-301, copy enclosed.)

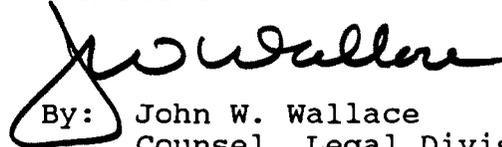
Section 85304 prohibits transfers of funds between candidates or their controlled committees. It also prohibits candidates from indirectly transferring contributions to other candidates by making contributions to political committees for the purpose of making contributions to candidates. However, it does not prohibit candidates from using campaign funds to make contributions to noncontrolled committees for purposes other than making contributions to candidates. Thus, the prohibition against transfers between candidates would not prohibit candidates from using campaign funds to contribute to the Lincoln Club's voter registration drive, unless the Lincoln Club's expenditures for vote registration are contributions to candidates.

In summation, the Lincoln Club may solicit and receive money for voter registration activities from other political committees, candidates and county central committees. The contribution limits of the Act do not apply to money solicited and received by the Lincoln Club as long as the voter registration activities will not be done at the behest of candidates. However, moneys paid to the Lincoln Club by candidates to conduct voter registration activities must be paid from a campaign bank account for a future election. (Regulation 18525.)

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

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: John W. Wallace  
Counsel, Legal Division

KED:JWW:plh

Enclosures

THE LINCOLN CLUB OF RIVERSIDE COUNTY

1989

6840 Indiana, Suite 140 Riverside, California 92506  
714-682-1126

June 28, 1989

Mr. John Larson  
Fair Political Practices Commission  
P. O. Box 307  
Sacramento, CA 95804

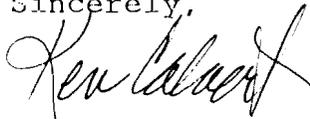
Dear Mr. Larson:

The Lincoln Club of Riverside County #890418 is interested in doing voter registration for Riverside County. Due to lack of a program or funds in the County Republican Party, we wish to administer the program. In order to adequately fund the registration drive, it would be necessary to look toward some help in funding the program. Because of Proposition 73, we are unclear whether we can solicit funds to help pay for registration from other political committees, i.e. candidates, CRP, or PACS.

Our Committee at this time is approximately fifty (50) members, so we are not a broad-based Committee, nor are we in any way connected with any candidate.

We would appreciate an opinion on this matter as quickly as possible as we feel the matter of registration in this County is a priority.

Sincerely,



KEN CALVERT  
Chairman



ETHEL SILVER  
Executive Director



# California Fair Political Practices Commission

July 18, 1989

Ken Calvert, Chairman, and  
Ethel M. Silver, Executive Director  
Lincoln Club of Riverside County  
6840 Indiana, Suite 140  
Riverside, CA 92506

Re: Your Request for Advice  
Our File No. A-89-403

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## QUESTION

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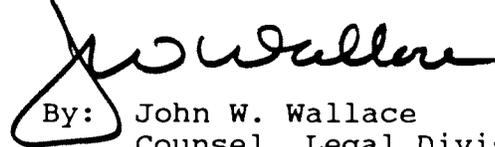
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In summation, the Lincoln Club may solicit and receive money for voter registration activities from other political committees, candidates and county central committees. The contribution limits of the Act do not apply to money solicited and received by the Lincoln Club as long as the voter registration activities will not be done at the behest of candidates. However, moneys paid to the Lincoln Club by candidates to conduct voter registration activities must be paid from a campaign bank account for a future election. (Regulation 18525.)

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

Sincerely,

Kathryn E. Donovan  
General Counsel



By: John W. Wallace  
Counsel, Legal Division

KED:JWW:plh

Enclosures



# California Fair Political Practices Commission

March 20, 1989

*don't  
enclose*

Michael G. Balmages  
Chair, Orange County Democratic Party  
828 N. Broadway  
Santa Ana, CA 92701

Re: Your Request for Advice  
Our File No. A-89-145

Dear Mr. Balmages:

You have requested confirmation of telephone advice provided to you regarding the campaign provisions of the Political Reform Act,<sup>1/</sup> specifically with regard to the contribution limitation provisions contained in Sections 85300-85307.

Your letter correctly states my advice that committees formed to qualify, support or oppose recall measures, and committees formed to do voter registration are not subject to the contribution limitations as long as the committees do not make contributions to candidates. This is because Sections 85300-85307 apply only to candidates and their controlled committees and to committees that make contributions to candidates.

Please do not hesitate to call me at (916) 322-5662 if you have additional questions.

Sincerely,

Diane M. Griffiths  
General Counsel

*Carla Wardlow*

By: Carla Wardlow  
Political Reform Consultant

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THE LINCOLN CLUB OF RIVERSIDE COUNTY

F.P.P.C.

6840 Indiana, Suite 140 • Riverside, California 92506  
714-682-1126

June 28, 1989

Mr. John Larson  
Fair Political Practices Commission  
P. O. Box 307  
Sacramento, CA 95804

Dear Mr. Larson:

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Our Committee at this time is approximately fifty (50) members, so we are not a broad-based Committee, nor are we in any way connected with any candidate.

We would appreciate an opinion on this matter as quickly as possible as we feel the matter of registration in this County is a priority.

Sincerely,



KEN CALVERT  
Chairman



ETHEL SILVER  
Executive Director



# California Fair Political Practices Commission

July 6, 1989

Ken Calvert, Chairman  
Ethel Silver, Executive Director  
The Lincoln Club of Riverside County  
6840 Indiana, Suite 140  
Riverside, CA 92506

Letter No. 89-403

Dear Mr. Calvert & Ms. Silver:

Your letter requesting advice under the Political Reform Act was received on July 3, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace, 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,

A handwritten signature in cursive script, appearing to read "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh