



# California Fair Political Practices Commission

August 25, 1989

Judith S. Davis  
Nielsen, Merksamer, Hodgson,  
Parrinello & Mueller  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Your Request for Informal Assistance  
Our File No. I-89-460

Dear Ms. Davis:

You have asked for confirmation of our telephone conversation of August 3, 1989, concerning the date that the opinion of the Court of Appeal in Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission (2d Civ. No. B039177) becomes "final." On August 8, 1989, I informed you that we are unable to provide written confirmation of that conversation at this time, pending resolution of the question in the form of a Commission opinion.

Attached is a copy of the opinion request and the draft opinion, which will be considered at the Commission meeting to be held September 6, 1989.

If you have any questions concerning this letter, please contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED/aa

Attachments

LAW OFFICES OF

NIELSEN, MERKSAMER,  
HODGSON, PARRINELLO & MUELLER

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

770 L STREET, SUITE 800

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 446-6752

SAN FRANCISCO

650 CALIFORNIA STREET, SUITE 2650  
SAN FRANCISCO, CALIFORNIA 94108  
TELEPHONE (415) 989-6800

FILE NUMBER

August 4, 1989

Ms. Kathryn Donovan  
General Counsel  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: Finality of Court's Opinion in Taxpayers to Limit  
Campaign Spending v. Fair Political Practices  
Commission

Dear Kathy:

To confirm our telephone conversation yesterday, the opinion of the Court of Appeals in the Taxpayers suit will not become final until, at the earliest, August 31, 1989 -- 30 days after it was filed. Until then, legislators and legislative candidates may continue to accept political contributions, despite the fact that 1989 is an "off-year" for all but those involved in special elections.

You also mentioned that, based on your recent conversations with the court, and assuming no appeal, the opinion might not be final for all purposes until October 2, 1989, when the time for the Supreme Court to order review on its own motion expires. You were of the opinion that the provisions of Proposition 68 found by the court to be valid and enforceable would not be "deemed to have been in effect" until that date. I would very much appreciate receiving written confirmation that the October 2, 1989 date does indeed represent the "date on which this opinion becomes final" referred to by the court as the effective date of the provisions of Proposition 68 found to be valid and enforceable.

Thank you so much for your time and courtesy.

Very truly yours,



Judith S. Davis

JSD:en