



California Fair Political Practices Commission

September 12, 1989

John B. Allard II
Chief of Staff
Assemblymember Tim Leslie
State Capitol
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-474

Dear Mr. Allard:

This will confirm that your letter of August 10, 1989, accurately reflects my telephone advice to you regarding the scheduling of political fundraising events in light of the recent Court of Appeal ruling regarding the off-year fundraising provisions of Proposition 68. (Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission (1989) ___ Cal. App. 3d ___, 89 Daily Journal D.A.R. 9863, mod. on den. reh'g., ___ Cal. App. 3d ___, 89 Daily Journal D.A.R. 10840.)

Based on the ruling of the Court of Appeal, the Assemblymember's fundraising event may be held after October 2, 1989, so long as the Assemblymember and his campaign committee do not accept any monetary or nonmonetary contributions, including enforceable promises to make contributions, after the decision in the Taxpayers case becomes final.^{1/}

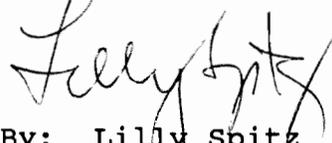
^{1/} Section 85309 of the Government Code, as added by Proposition 68, will be operative as law when the opinion in that case becomes final as to the Court of Appeal and the California Supreme Court. (Taxpayers, supra at fn. 38.) The Commission has decided to petition for review of the opinion by the Supreme Court. The finality of the opinion depends on the action of the Supreme Court concerning review of the Court of Appeal's decision. The exact date that the Supreme Court will grant or deny review cannot be predicted. It appears unlikely that the Supreme Court would act before October 2, 1989. However, if the Supreme Court were to deny review of the decision prior to October 2, Section 85309 would become operative when review was denied. If the Supreme Court were to grant review of the decision, operation of Section 85309 would be delayed until the Supreme Court opinion issued.

John B. Allard II
Our File No. A-89-474

If you have any questions, please contact me at 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, appearing to read "Lilly Spitz".

By: Lilly Spitz
Counsel, Legal Division

KED:LS:ld

- STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-4445
- DISTRICT OFFICE
1098 MELODY LANE, SUITE 301
ROSEVILLE, CA 95678
(916) 624-0100
782-3660
969-3660
- CAMPAIGN OFFICE
P.O. BOX 7042
CITRUS HEIGHTS, CA 95621-7042
(916) 783-4412

Assembly California Legislature



TIM LESLIE
ASSEMBLYMAN, FIFTH DISTRICT

August 10, 1989

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EDUCATION REFORM
UNCOMPENSATED CARE
WORKERS COMPENSATION

Ms. Lilly Spitz
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Lilly:

Thank you for looking into my question regarding the recent Second District Court of Appeal's ruling on Proposition 68 and its effect on fundraisers planned after the October 1 deadline.

In our telephone conversation earlier this week, you informed me that, despite the ruling, fundraisers could still be held any time between October 1, and December 31, 1989, as long as contributions for the event were not accepted after the October 1 cut-off date.

If this understanding is correct, please notify me in writing as soon as possible so the Assemblyman's campaign can proceed with its plans for an October 6 fundraiser.

Thank you for your prompt assistance with this important matter.

Sincerely,

JOHN B. ALLARD II
Chief-of-Staff

JBA:lda

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 FPPC



California Fair Political Practices Commission

August 21, 1989

John B. Allard II
Chief of Staff
Assemblymember Tim Leslie
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Letter No. 89-474

Dear Mr. Allard:

We received your letter requesting confirmation of advice under the Political Reform Act on August 14, 1989. Your letter has been assigned to Lilly Spitz for response. If you have any questions, you may contact her directly at (916) 322-5901.

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 that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh:confadv1