



# California Fair Political Practices Commission

September 14, 1989

Lance H. Olson  
Olson, Connelly, Hagel & Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-89-499

Dear Mr. Olson:

This letter confirms the telephone advice I provided to you on August 17, 1989, concerning the fundraising activities of the Committee to Retain Assemblyman Jack O'Connell. You have informed us that Assemblyman O'Connell has been served with notice of intent to circulate recall petitions, pursuant to Elections Code Sections 27020-27022. Assemblyman O'Connell has formed the Committee to Retain Assemblyman Jack O'Connell to raise money to defend against the recall effort.

We have issued advice that (1) contributions to support or oppose a recall effort are similar to contributions in a ballot measure election and, therefore are not subject to the contribution limitations of the Political Reform Act (the Act),<sup>1</sup> (2) elected officers may establish a separate controlled committee to defend against a recall effort, and (3) an elected officer's recall defense committee may receive contributions in unlimited amounts, to be used only to defend against the recall effort, after the elected officer has been served with notice of the recall effort pursuant to Elections Code Sections 27020-27022. (Roberti Advice Letter, No. A-89-358.) You have asked whether this advice would change if provisions of Proposition 68 take effect as a result of the recent court of appeal decision in Taxpayers to Limit Campaign Spending v. FPPC.

In our telephone conversation, I advised you that our advice would not change if the provisions of Proposition 68 take effect

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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.

because Proposition 68's contribution limitations do not apply to ballot measure elections. Accordingly, notwithstanding Section 85309 of Proposition 68, the Committee to Retain Assemblyman Jack O'Connell could continue to accept contributions during a non-election year.

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

Sincerely,

  
Kathryn E. Donovan  
General Counsel

KED:plh

Law Offices of

OLSON, CONNELLY, HAGEL & FONG **FPPC**

August 18, 1989

Aug 22 3 15 PM '89

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

**RE: Confirmation of Advice**

Dear Ms. Donovan:

The purpose of this letter is to confirm our conversation of August 17, 1989 concerning Assemblyman Jack O'Connell. During the conversation I advised you that I represent Assemblyman Jack O'Connell and I serve as Treasurer for a Committee he has formed for the purposes of opposing a recall effort underway in his Assembly District against him. The name of the Committee is "Committee to Retain Assemblyman Jack O'Connell".

In our conversation I stated that Mr. O'Connell desired to continue to raise contributions for his recall Committee when and if the provisions of Proposition 68 were to go into effect as a result of the recent decision in Taxpayers To Limit Campaign Spending vs. FPPC.

You indicated that if and when the provisions of Proposition 68 as determined by the Court in the Taxpayer's lawsuit were to go into effect they would not prohibit Assemblyman O'Connell from continuing to raise campaign contributions during this "non-election year".

I would appreciate your written confirmation of this advice at your earliest convenience. Thank you for your attention in this matter.

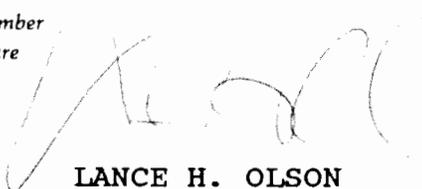
Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature



LANCE H. OLSON

cc: Assemblyman Jack O'Connell

Law Offices of

OLSON, CONNELLY, HAGEL & FONG **FPPC**

August 18, 1989

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Fair Political Practices Commission  
428 J Street, Suite 800  
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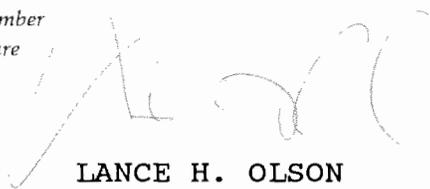
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Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

  
LANCE H. OLSON

cc: Assemblyman Jack O'Connell

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature



# California Fair Political Practices Commission

August 28, 1989

Lance Olson  
Olson, Connelly, Hagel & Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Letter No. 89-499

Dear Mr. Olson:

We received your letter requesting confirmation of advice under the Political Reform Act on August 22, 1989. If you have any questions, you may contact me 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