



# California Fair Political Practices Commission

October 3, 1989

Marlene Ishihara, Manager  
Political Reform Audit Program  
P.O. Box 651  
Sacramento, CA 95803-0651

Re: Your Request for Informal  
Assistance  
Our File No. I-89-508

Dear Ms. Ishihara:

We have received your letter of August 22, 1989, seeking confirmation of telephone advice provided to Daniel Gonzales regarding disclosure of contributions received from spouses using a joint account. This is to confirm that your letter accurately reflects my advice that, because of the contribution limitations imposed by passage of Proposition 73, spouses may now make individual contributions from a joint checking account. Therefore, a candidate or committee which receives a contribution drawn on a joint account may disclose the name, address, occupation and employer of the spouse who signed the check and need not disclose information regarding the other spouse unless the candidate or committee has been notified in writing that the contribution is from both spouses, or both spouses have signed the check. This represents a change in the advice provided in the Mihay Advice Letter, No. A-84-132.<sup>1</sup>

However, please note that the effective date of the change is January 1, 1989. All statements filed covering reporting periods through December 31, 1988, should be reviewed under the advice contained in the Mihay Advice Letter.

A copy of your letter is enclosed for your convenience.

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<sup>1</sup> On November 7, 1989, the Commission is scheduled to adopt proposed Regulation 18533,, concerning contributions from joint checking accounts. The regulation may codify the advice in this letter. A copy of the proposed regulation is enclosed.

Marlene Ishihara  
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If you have any additional questions, please contact me at  
(916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Kevin S. Braaten-Moen  
Political Reform Consultant

Enclosures



State of California

POLITICAL REFORM AUDIT PROGRAM

P. O. Box 651  
Sacramento, CA 95803-0651

August 22, 1989

FPAC  
AUG 24 1989  
RECEIVED

Fair Political Practices Commission  
Attn: Jeanne Pritchard  
P.O. Box 807  
Sacramento, CA 95804-0807

Re: Advice letter to Joan Mihay, Fresno, Dated June 18, 1984  
File No. A-84-132

This letter is to confirm a discussion between Kevin Braaten-Moen and FTB auditor, Daniel Gonzales.

The above advice letter instructs candidates or committees to report both spouses when a check is drawn on a joint account. Current advice is that the candidate or committee need only report the spouse signing the check. The other spouse is not required to be disclosed.

Please provide written confirmation that the advice letter is no longer applicable.

Marlene Ishihara  
Manager, Political Reform Audit Program

Attach.

ADVICE SUMMARIES - CAMPAIGN

HPAC  
AUG 24 1984  
RECEIVED

Letter to Mario Sewell, Legislature, Dated May 22, 1984, File  
No. A-84-092

A committee proposed to purchase a quantity of money orders prior to a fundraiser. If an individual attending the fundraiser wished to contribute, he or she would sign a money order as the purchaser, indicate the committee as the payee and then reimburse the committee for the money order with cash. This procedure would violate the prohibition on cash contributions of \$100 or more. The purpose of the requirement for a written instrument is to provide a means for verification outside of the committee's records; under the proposed system, the bank's records would only reflect the committee as a purchaser and not the actual contributors.

Letter to Robert Cormack, City of Downey, Dated May 31, 1984,  
File No. A-84-125

The Act does not prevent a mayor from sending a bulk mailing to his constituents if the mailing will be done at the mayor's own expense. However, in sending the mailing, the mayor may incur campaign reporting responsibilities as follows:

1. If the mailing occurs between the day that the mayor files a statement of candidacy and the day of the election, he must report any expenditures for the mailing regardless of whether the payments are made from campaign or non-campaign funds.

2. If the mailing is made at any other time: a) the expenditure is reportable if the mailing is paid for with campaign funds; b) it is not reportable if it is clear from the surrounding circumstances that it was made for personal purposes unrelated to his candidacy or status as an officeholder.

Letter to Joan Mihay, Fresno, Dated June 18, 1984, File  
No. A-84-132

PS  
2402  
If a candidate or committee receives contributions from spouses aggregating \$100 or more, the contributions should be reported as follows: 1) If a check is drawn on an account bearing the name of only one spouse, only that spouse's name, street address and occupation are reported. The contribution, however, must be aggregated with other contributions from the husband, wife, or both, unless the candidate or committee is informed that the contribution was made with separate, rather than community, funds. 2) If the check is drawn on a joint account, the names and addresses of both spouses, and the occupation and employer of only one of the spouses, are required to be reported. However, it is preferable to report the occupation and employer of both spouses.



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PPPC

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Fair Political Practices Commission  
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Marlene Ishihara  
Manager, Political Reform Audit Program

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ADVICE SUMMARIES - CAMPAIGN

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# California Fair Political Practices Commission

August 28, 1989

Marlene Ishihara  
Manager, Political Reform Audit  
Program  
P.O. Box 651  
Sacramento, CA 95803-0651

Re: Letter No. 89-508

Dear Ms. Ishihara:

We received your letter requesting confirmation of advice under the Political Reform Act on August 24, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

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