



California Fair Political Practices Commission

September 21, 1989

Thurman White
Friends of Gwen Moore
c/o 34294 Dunhill Dr.
Fremont, CA 94555

Re: Your Request for Advice
Our File No. A-89-517

Dear Mr. White:

We have received your letter (copy enclosed) seeking written confirmation of the telephone advice provided to you on August 29, 1989. This is to confirm that your letter accurately reflects current law and the advice I provided to you.

In Taxpayers To Limit Campaign Spending v. Fair Political Practices Commission (1989) 89 Daily Journal D.A.R. 9863, the Court of Appeal upheld the provisions of Proposition 68 banning off-year campaign fundraising. These provisions apply only to legislators and legislative candidates.

Based on the language of the opinion, the ban on off-year fundraising is not effective until the ruling becomes final as to both the Court of Appeal and the State Supreme Court. The Commission has petitioned the Supreme Court to review the decision. We anticipate that the Supreme Court will not act on our petition before October 2, 1989, although we cannot predict when the Court will act. It is therefore permissible for legislative candidates to continue their fundraising activities until such time as the decision becomes final as a result of the actions of the Supreme Court.

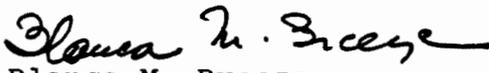
Consequently, assuming that the Supreme Court does not act to deny the Commission's petition for review prior to September 20, 1989, the recognition event and fundraiser for Assemblywoman Gwen Moore to be held on September 20, 1989, would not be precluded by the Taxpayers decision.

File No. A-89-517
Page 2

Should you have any further questions regarding this matter,
do not hesitate to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Blanca M. Breeze
Counsel, Legal Division

KED:BMB:plh

Enclosure

FPPC
SEP 1 8 42 AM '89

AUGUST 30, 1989

Kathryn E. Donovan, Esq.
General Counsel
FPPC
P. O. Box 807
Sacramento, CA 95804

REQUEST FOR CONFIRMATION OF TELEPHONE ADVICE RE IMPLICATIONS OF PROP. 68
COURT OF APPEAL DECISION (No Off-Year Campaign Fundraising) FOR SEPTEMBER 20,
1989 FUNDRAISER

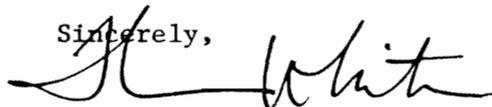
Dear Ms. Donovan:

This is to request written confirmation of telephone advice I received from Blanca Breeze on 8/29/89 as to whether the August 2 California Court of Appeal decision re Proposition 68 -- specifically the provision banning off-year campaign fundraising -- would preclude an upcoming recognition event and fundraiser for Assemblywoman Gwen Moore on September 20, 1989.

Ms. Breeze advised that the earliest the Court's decision would become final would be October 2, 1989 and, therefore, the Court's decision would not preclude the planned event.

Thank you for your prompt attention to this request. Please contact me if you have additional questions.

Sincerely,



Thurman White
Friends of Gwen Moore
c/o 34294 Dunhill Dr.
Fremont, CA 94555

89-517

FPPC

SEP 1 8 42 AM '89

AUGUST 30, 1989

Kathryn E. Donovan, Esq.
General Counsel
FPPC
P. O. Box 807
Sacramento, CA 95804

REQUEST FOR CONFIRMATION OF TELEPHONE ADVICE RE IMPLICATIONS OF PROP. 68
COURT OF APPEAL DECISION (No Off-Year Campaign Fundraising) FOR SEPTEMBER 20,
1989 FUNDRAISER

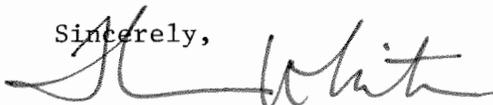
Dear Ms. Donovan:

This is to request written confirmation of telephone advice I received from Blanca Breeze on 8/29/89 as to whether the August 2 California Court of Appeal decision re Proposition 68 -- specifically the provision banning off-year campaign fundraising -- would preclude an upcoming recognition event and fundraiser for Assemblywoman Gwen Moore on September 20, 1989.

Ms. Breeze advised that the earliest the Court's decision would become final would be October 2, 1989 and, therefore, the Court's decision would not preclude the planned event.

Thank you for your prompt attention to this request. Please contact me if you have additional questions.

Sincerely,



Thurman White
Friends of Gwen Moore
c/o 34294 Dunhill Dr.
Fremont, CA 94555



California Fair Political Practices Commission

September 7, 1989

Thurman White
Friends of Gwen Moore
34294 Dunhill Drive
Fremont, CA 94555

Re: Letter No. 89-517

Dear Mr. White:

Your letter requesting advice under the Political Reform Act was received on September 1, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Blanca Breeze 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 that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh