



California Fair Political Practices Commission

October 2, 1989

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

Re: Your Request for Informal Assistance
Our File No. I-89-562

Dear Mr. Olson:

We have received your letter, dated September 8, 1989, requesting informal assistance on behalf of an anonymous candidate for statewide office in 1990. Your letter presents a series of hypothetical questions concerning possible restrictions, due to the contribution limitations of the Political Reform Act,¹ on interaction between the candidate's controlled committee for statewide office and his or her controlled ballot measure committee.

Because of the complexity of the questions presented, and because you have not identified the name of the candidate involved, we have decided that your request is not appropriate for informal assistance. (Regulation 18329(c)(4)(B) and (E), copy enclosed.) As you are aware, the question of interaction between the candidate's controlled committee for elective office and his or her controlled ballot measure committee presents very sensitive policy considerations which may be best addressed by the Commission in the form of an opinion.

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

Sincerely,

Kathryn E. Donovan
Kathryn E. Donovan
General Counsel

¹ 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.

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

FPPC
SEP 8 4 53 PM '89

September 8, 1989

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

RE: Informal Advice Request

Dear Ms. Donovan:

The purpose of this letter is to seek informal assistance concerning the campaign contribution limitation provisions of the Political Reform Act.

In the recent past you have opined that a candidate may establish and control a ballot measure recipient committee and obtain contributions to the committee which exceed the contribution limitations in Government Code sections 85301, 85302, 85303 and 85305. (Leidigh Advice Letter No. A-89-170). You have also advised that for purposes of the contribution limitations, contributions to the ballot measure committee would not be considered contributions to support or oppose the election of a candidate, even if the contributions to the ballot measure might indirectly benefit the candidate (Olson Advice Letter, A-89-363).

I would like to pose a series of questions relative to the specific activities a candidate may engage in when supporting the qualification or passage of his/her ballot measure.

For purposes of the questions asked below you may assume that the candidate(s) are running for statewide elective office and will appear on the November 1990 ballot. Also appearing on the same ballot will be the ballot proposition(s) promoted by the candidate(s) and which were qualified by the candidate(s) ballot measure controlled committees. Except as to question number 10, all of the expenditures for the activities described below would be paid for from funds raised by the ballot measure committee(s). Such funds may have been raised in excess of the contribution limitations contained in sections 85301, 85302, 85303 & 85305.

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

OF COUNSEL
LLOYD G. CONNELLY, *Member*
California State Legislature

Kathryn Donovan
September 8, 1989
Page 2

1) May the candidate(s) appear in a television ad and/or direct mail piece where he/she identifies him/herself by name and present elected office, and advocates the passage of the ballot proposition but does not advocate or mention his/her own election?

2) Would the answer to question number 1 be different if the candidate is an incumbent seeking reelection?

3) Would the answer to question number 1 be different if the candidate's name was mentioned, but not his/her current elected office?

4) May the candidate(s) appear in a television ad and/or direct mail piece where he/she advocates both the passage of the ballot proposition and election of him/herself to office?

5) Would the answer to question numbers 1, 2, 3, or 4 be different if the ad or mail piece were paid with funds from both the ballot measure and candidate(s)' election committee in an appropriate ratio?

6) Assuming in answering question number 5 you determine both committees could share in the cost of the ad and/or mail piece, how should the costs be allocated?

7) If the ballot measure committee paid for and developed a donor list during the course of the campaign, could it sell the list to the candidate(s)' controlled committee for election at fair market value?

8) Assuming the answer to question number 7 is yes, could the fair market value be determined by using prices charged by commercial fundraising/mail list companies (e.g. \$_____ per 1,000 names) without consideration to the costs of developing the original list?

9) Assuming the answer to question number 8 is no, how should the list be valued?

10) May the candidate's election committee arrange to have a television advertisement in which the

Kathryn Donovan
September 8, 1989
Page 3

candidate appears supporting the initiative run adjacent to a separate television advertisement supporting the initiative in which the candidate does not appear and is not mentioned? In answering this question assume that the first advertisement is paid for by the candidate's election committee, and the second advertisement is paid for by the initiative committee.

Thank you for your prompt attention in this matter.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

LANCE H. OLSON

LHO/jph
0461.lho



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