



California Fair Political Practices Commission

November 20, 1989

Susan Bott
94 Manchester Place
Goleta, CA 93117

Re: Your Request for Advice
A-89-609

Dear Ms. Bott:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.¹

QUESTION

When contributions intended for two candidates are included in one check made payable to both candidates, may the check be accepted and allocated evenly between the candidates' accounts?

CONCLUSION

Because of the prohibition against transfers of campaign funds between candidates for elective office and the requirement that a candidate have only one campaign bank account for a specific election, contributions for the candidates must be made by separate checks. Therefore, the checks in question must be returned and separate checks requested.

FACTS

You are the treasurer for two candidates' campaigns. These candidates are coordinating their campaign activities, but bank accounts are kept separate.

You have received checks made payable to both candidates.

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.

Susan Bott
Page Two

ANALYSIS

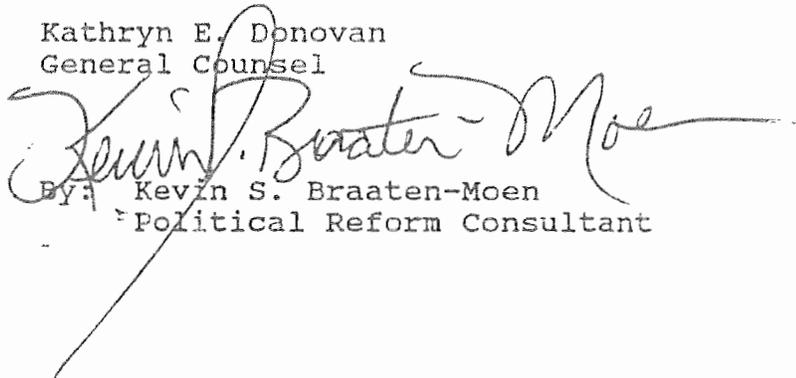
Section 85304 prohibits transfers of contributions from one candidate for elective office to another. Therefore, depositing the checks into one account and transferring any amount into the other account would be prohibited.

A candidate must have one campaign bank account for each election. (Section 85201(a).) All contributions must be deposited directly into that account. (Section 85201(c).) In addition, it is not permissible to deposit a contribution belonging to a candidate into the campaign bank account of another candidate. (Section 85201.) Therefore, it is necessary to return the checks made payable to both candidates and request that two separate checks be written.

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

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script that reads "Kevin S. Braaten-Moen". The signature is written in dark ink and is positioned above the typed name and title.

By: Kevin S. Braaten-Moen
Political Reform Consultant



California Fair Political Practices Commission

October 25, 1989

Susan Bott
94 Manchester Place
Goleta, CA 93117

Re: Letter No. 89-609

Dear Ms. Bott:

Your letter requesting advice under the Political Reform Act was received on October 20, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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 the 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,

Jeanne Pritchard

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh

October 17, 1989

Fair Political Practices Commission
428 "J" Street
Sacramento, CA 95814

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Dear Sirs,

I am treasurer for two political campaigns where the candidates are running as a slate. As recent rulings mandate, we have separate committees and separate bank accounts for each candidate. Even though every piece of campaign literature has stressed the need to make checks payable to one or the other candidate, many checks continue to come in made out to both. Most of these contributions are in the \$5 to \$25 range and we need clarification on how to handle them.

Is it all right to simply try to allocate the checks evenly between the two accounts, knowing that the donor meant for them to go to the combined campaign? Or should we return the checks, making the donor write two new ones? Or can we get verbal authorization to deposit the checks in one or the other account? Or should we deposit to one account and have the recipient campaign reimburse the other campaign? (I think this one would violate campaign rules.) Many of these avenues will be expensive in terms of first class postage to return checks, time spent phoning, etc., but we would like to know what exactly is the preferred way to handle this situation.

Thanks very much for your help.

Sincerely,

Susan Bott

Susan Bott
94 Manchester Place
Goleta, CA 93117