



# California Fair Political Practices Commission

December 15, 1989

Jerry Yudelson  
Yudelson Assembly Committee  
11721 Brookshire Avenue  
Garden Grove, CA 92640

Re: Your Request for Advice  
Our File No. A-89-651

Dear Mr. Yudelson:

We have received your letter dated November 8, 1989 (copy enclosed) requesting confirmation of telephone advice provided to you on November 7, 1989. This will confirm that your letter accurately reflects current California law and the advice I provided to you. We do not provide advice concerning laws other than the Political Reform Act (the "Act").<sup>1</sup> Please consult with the Office of the California Attorney General and the Federal Elections Commission concerning other relevant California and federal law.

#### QUESTION

You have raised campaign funds for your California State Assembly candidacy. May these funds be transferred into an account you have opened for purposes of pursuing a campaign for federal office?

#### CONCLUSION

Under the Act, candidates may transfer funds raised for a California State Assembly candidacy into an account opened for purposes of pursuing a campaign for federal office.

#### ANALYSIS

The Political Reform Act governs the use of political contributions in the State of California. Section 85304, added by Proposition 73 on the June, 1988, primary ballot,

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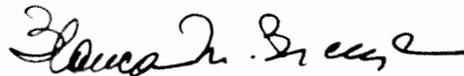
<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

prohibits the transfer of campaign funds between candidates.<sup>2</sup> However, this prohibition does not apply to candidates for federal office. (Marsh Advice Letter, No. I-89-056, copy enclosed.) Accordingly, such funds may be transferred to a candidate's congressional committee to the extent allowed by other relevant California and federal law.

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  
Enclosures

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<sup>2</sup> In Service Employees International Union, AFL-CIO, CLC, et al. v. FPPC, Case No. CIVS 89-0433-LKK-JFM, U. S. District Court Eastern District of California, the court issued a preliminary injunction prohibiting the Commission from enforcing the provisions of Section 85304 to the extent they prohibit a candidate from transferring contributions between his or her separate committees. Thus, transfers among a candidate's own controlled committees are permissible under the Act.

YUDELSON ASSEMBLY COMMITTEE

11721 BROOKSHIRE AVENUE  
GARDEN GROVE, CA 92640  
(714) 534-4413

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November 8, 1989

Ms. Kathryn E. Donovan  
General Counsel  
Fair Political Practices Comm.  
P.O. Box 807  
Sacramento, CA 95804

Dear Ms. Donovan:

This is to request confirmation of telephone advice given to me November 7th by Ms. Blanca Breeze of your staff, regarding the transfer of campaign contributions from a state Assembly race to a federal Congressional race.

Ms. Breeze informed me at this time that such a transfer is permissible. I understand that this advice does not cover what is permissible under Federal law, only that existing State law does not prohibit such a transfer.

Please confirm this advice at your earliest possible convenience.

Sincerely,

  
Jerry Yudelson

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# California Fair Political Practices Commission

November 20, 1989

Jerry Yudelson  
Yudelson Assembly Committee  
11721 Brookshire Avenue  
Garden Grove, CA 92640

Re: Letter No. 89-651

Dear Mr. Yudelson:

We received your letter requesting confirmation of advice under the Political Reform Act on November 13, 1989. Your letter has been assigned to Blanca Breeze, and attorney in the Legal Division, for response. If you have any questions, you may contact her 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