

PHONE MEMO	TO	Blanton	DATE	2-13	TIME	3:45	AM PM	
	FROM	Jim Dough	AREA CODE					
		County of Humboldt County Counsel Eureka	NO.	727				
			EXT.	445-7250				
	M E S S A G E	June ballot						
		SIGNED LF						
	QUESTION	PHONED <input checked="" type="checkbox"/>	CALL BACK <input checked="" type="checkbox"/>	RETURNED CALL <input type="checkbox"/>	WANTS TO SEE YOU <input type="checkbox"/>	WILL CALL AGAIN <input type="checkbox"/>	WAS IN <input type="checkbox"/>	URGENT <input type="checkbox"/>

ATTY: _____
 REQUESTOR: _____

 QUESTION

DATE: _____
 TELE: _____

County way of (steps) code - who reviews

Tony Alperin 1977 opinion

① Authority of local entity to regulate
 Conflict of interests. 87302 (89-613)

88-454
 88-489

② Campaign conflict on local entity
 ADVICE: 89-338, 89-335 regulate and be structured 85101

③ ordinance amends code - do they
 submit to FPCC for review?

① find advice letters and call backs

② find advice letters and call backs

③ have Jeanette send him packet
 re code review

825 Fifth St Room 110
 Eureka Ca 95501

89-613

REGULATIONS: _____ ACT: _____

OPINIONS: _____ GUIDE TO PRA: _____

ADVICE LETTERS: 89-613, 88-454, 88-489, 89-338, 89-335

OTHER: _____



California Fair Political Practices Commission

February 9, 1990

TO: Interested Persons

RE: Commission Regulation 2 Cal. Code of Regs. Section 18215

The attached regulation, 2 Cal. Code of Regs. Section 18215, addressing the definition of "contribution," was considered by the Commission at its December 13, 1989 meeting.

Regulation 18215 was noticed with options from which the Commission could choose to adopt. The options adopted by the Commission are attached. Deletions to the originally proposed text are shown in single-strikeout format.

The revised regulation will be available for further comments, or inspection, until February 24, 1990.

Any comments or inquiries should be addressed to:

Fair Political Practices Commission
Legal Division
Attn: Scott Hallabrin
428 J Street, Suite 800
Sacramento, CA 95814

Amend 2 Cal. Code of Regs. Section 18215 to read:

18215. Contribution

(a) A contribution is any monetary or nonmonetary payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

(1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or

(2) Received by or made at the behest of:

(A) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his or her behest for personal purposes unrelated to his or her candidacy or status as an office holder. The term "payment" includes the candidate's own money or property used on behalf of his or her candidacy;

(B) A controlled committee;

(C) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or

(D) An organization formed or existing primarily for political purposes as defined in subsection (a)(1), including but not limited to a

political action committee established by any membership organization, labor union or corporation.

(b) "Made at the behest" means a payment made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

(c) "Contribution" includes any monetary or nonmonetary payment for which full and adequate consideration is not made to the donor that is received by any person or organization other than a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes if the payment is "earmarked" for the making of contributions or expenditures. A payment is "earmarked" when, at the time of making the payment, the donor knows or has reason to know that the payment or funds with which the payment will be commingled will be used to make contributions, as defined in Government Code Section 82015 and this regulation, or expenditures, as defined in Government Code Section 82025 and 2 Cal. Adm. Code Section 18225. If the donor knows or has reason to know that only part of the payment will be used to make contributions or expenditures, the payment shall be apportioned on a reasonable basis in order to determine the amount of the contribution. Factors relevant to a determination that the donor has reason to know

that all or part of the payment will be used to make expenditures and contributions include but are not limited to the established practice of the person or organization with respect to expenditures and contributions and any representations made when the payment is solicited.

(d) An expenditure by a political party, broad based political committee, or political committee* made at the behest of a candidate in connection with a communication directed to voters or potential voters as part of voter registration activities or activities encouraging or assisting persons to vote, is a contribution to that candidate only if the communication clearly identifies, or expressly advocates the election or defeat of, a candidate that candidate or a rival candidate for the same elective office.* ~~{For the purposes of this subdivision, a communication "clearly identifies" or "expressly advocates" the election or defeat of, a candidate only if it identifies the candidate by name [or by a commonly known nickname].}*~~

~~(d)~~ (e) Notwithstanding any provision of this section, the term "contribution" does not include volunteer personal services or payments made by a person for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they will be repaid nor does it include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office

~~* The bracketed language presents an option which the Commission may include, exclude or revise when the regulation is adopted.~~

if the costs for the meeting or fundraising events are \$500 or less.

AUTHORITY: Section 83112, Gov. Code

REFERENCE: Section 82015, Gov. Code