



FAIR POLITICAL PRACTICES COMMISSION

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December 6, 2012

Ms. Lysa Ray, Treasurer
Orange Citizens for Parks and Recreation,
A Committee Opposing Measure FF

REDACTED

Re: Advisory Letter
FPPC No. 12/800: Orange Citizens for Parks and Recreation, A Committee Opposing Measure FF; and Lysa Ray, Treasurer

Dear Ms. Ray:

As you know, the Enforcement Division of the Fair Political Practices Commission (the "FPPC") has received a sworn complaint against you. After review of the complaint and your response, the Enforcement Division has decided to close its file on this matter without initiating an enforcement action. The basis for this decision follows.

The FPPC enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. The allegation against the Orange Citizens for Parks and Recreation, A Committee Opposing Measure FF (the "Committee") was the use of campaign funds to make independent expenditures supporting three candidates for the City of Orange, a violation of the expenditure requirements of the Act.

However, we have determined that further enforcement action is not warranted because there is no provision under the Act that prohibits a primarily formed ballot measure from using funds to support or oppose candidates. Rather, if contributions or independent expenditures are made by the Committee to support or oppose candidates, officeholders, other committees, or other ballot measures, it may qualify as a general purpose committee, which has different disclosure obligations. Since the door hangers were reprinted to remove the candidate information, we are closing this matter with an advisory letter.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.tppc.ca.gov.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact Teri Rindahl at 916.327.2018.

Sincerely,

REDACTED

Gary S. Winuk
Chief, Enforcement Division

GSW/tr

Cc: Shirley Grindle