FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 15, 2010

Honorable Ted Gaines
Gaines for Senate 2010
Gaines for Assembly 2010
Redacted

Advisory Letter Re: FPPC No. 10/972; Gaines for Senate 2010; Gaines for Assembly 2010; Ted Gaines Respondents

Dear Assemblyman Gaines:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act) found in Government Code Section 81000, et seq. We recently received a complaint alleging that your Assembly 2010 campaign sent out a mailer that addresses issues within your Senate 2010 campaign and that the Senate 2010 campaign, rather than the Assembly 2010 should have sent the mailer.

The Act provides that an individual shall establish a separate controlled committee and campaign bank account for each specific office and that all campaign expenditures shall be made from that account. (Section 85201; Regulation 18521.)

The mailer, sent in the voice of your wife Beth Gaines, addresses your Senate opponent's campaign tactics. The sender identification on the mailer is attributable to your Assembly 2010 committee. However, there is only a brief mention to your Assembly re-election attempt. It appears that the expenditures for this mailing should have been from your Senate 2010 account, not the Assembly 2010 committee. However, since funds could have been transferred between accounts and spent for the same purpose, we are closing this matter with an advisory letter.

If in the future you should run for two separate elections and send a communication that mentions both offices, it is recommended that you contact the Commission's Technical Assistance Division to determine which committee bank account should expend funds for the mailing and seek advice to ensure correct sender identification occurs.

The FPPC publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Friday, between 9:00 a.m. and 4:00 p.m. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely

Redacted

Jeanette E. Turvill
Political Reform Consultant
Enforcement Division