



## FAIR POLITICAL PRACTICES COMMISSION

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June 14, 2017

Mr. Richard Rios  
Olson Hagel & Fishburn, LLP  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814  
Via Email: [rrios@olsonhagel.com](mailto:rrios@olsonhagel.com)

RE: Request for Commission to Make a Determination of Law

Dear Mr. Rios:

On June 12, 2017, you sent a letter requesting that the Commission reconsider its long-standing position that contribution limits apply when state candidates make contributions to a recall committee controlled by another state candidate. Specifically, you have requested that the Commission “make a determination of law” on this issue. Procedurally, I am treating your letter as a request for a Commission opinion since that is the mechanism by which the Commission could consider such a request. (See Gov. Code, § 83114, subd. (a).)

I am denying your request for a Commission opinion because the question raised is covered by Commission regulations. (Regulation 18320, subd. (f)(1).) As you know, since 2003 the Commission has consistently concluded that contributions made by other state elected officials to a state candidate’s controlled recall committee are subject to the \$4,400 limit on contributions between state candidates. (Gov. Code, § 85305; Regulation 18535; Johnson Advice Letter, No. A-08-032.) The \$4,400 limit on contributions between state candidates applies to state candidates *making* a contribution to another state candidate. (Gov. Code, § 85305.) And this limit on contributions between state candidates applies to all of the candidates’ controlled committees under Regulation 18535, subdivision (c). This has been the Commission’s legal interpretation since 2003 when the Commission approved the Fact Sheet on Recall Elections.

Please be advised that your procedural rights are detailed in Regulation 18321.

Sincerely,

Erin V. Peth  
Executive Director