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FAIR POLITICAL PRACTICES COMMISSION

July 28, 1997

John A. Ramirez
Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP
591 Redwood Highway, #4000
Mill Valley, California 94941

**Re: Your Request for Advice
Our File No. I-97-351**

Dear Mr. Ramirez:

This letter is a response to your request for informal assistance regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

Do contributions to state elected officials' officeholder accounts count against a donor's \$25,000 two-year aggregate limit on total contributions to state candidates and political parties?

CONCLUSION

No. Regulation 18531.4(c) clarifies the scope of the contribution limit defined in section 85310 and states unequivocally that contributions to an officeholder account shall not be considered campaign contributions. Thus contributions to an officeholder account will not count against the \$25,000 limit.

ANALYSIS

Government Code Section 85310 states: "No person shall contribute in the aggregate more than twenty-five thousand dollars (\$25,000) to all state candidates and the state candidates' controlled committees . . . in any two year period."

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations. Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

On the other hand, section 85313(b) states that contributions to officeholder accounts shall not be considered "campaign contributions." Regulation 18531.4(c) states "contributions to the officeholder expense account are not considered campaign contributions for purposes of Sections 85200, 85201, 85301-85312 and 85402." By specifically mentioning Section 85310, Regulation 18531.4(c) clarifies the possible ambiguity between Section 85310 and Section 85313.

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

Sincerely,

Steven G. Churchwell
General Counsel

A handwritten signature in black ink, appearing to read "Meena Patel". The signature is fluid and cursive, with the first name "Meena" and last name "Patel" clearly distinguishable.

By: Meena Patel
Graduate Assistant, Legal Division

SGC:MP:jlw