



California Fair Political Practices Commission

March 27, 1986

Manuela Albuquerque, City Attorney
City of Berkeley
City Hall, 2134 Grove Street
Berkeley, CA 94704

Re: FPPC No. I-86-072

Dear Ms. Albuquerque:

This is in reply to your letter dated February 20, 1986, addressed to Robert Leidigh, concerning Government Code Section 81009.5(b).

Gov. Code Section 81009.5(b) provides that a city or county campaign ordinance may impose campaign requirements additional to or different from those contained in the Political Reform Act only on candidates seeking election in that jurisdiction, their controlled committees and committees formed primarily to support or oppose a local ballot measure which is being voted on only in that jurisdiction. As noted in your letter, the provisions of Section 81009.5(b) do not extend to general purpose committees and, therefore, cities and counties may not impose additional requirements on general purpose committees.

Since Gov. Code Section 81009.5 became effective on January 1, 1986, we have been contacted by a number of cities which pointed out that there does not seem to be a reason for distinguishing between city general purpose committees and committees primarily formed to support or oppose city candidates or measures. We agree with this, and have proposed legislation which would amend Section 81009.5 to provide that cities and counties may impose the provisions of their ordinances on general purpose committees which are active wholly within the city or county. If this proposed legislation is approved by the Legislature, it will go into effect on January 1, 1987, at which time the provisions of your ordinance may be applied to general purpose committees which make all of their contributions to or expenditures on behalf of Berkeley candidates and ballot measures.

Manuela Albuquerque
March 27, 1986
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With regard to your second comment, concerning the application of Berkeley's contribution limitations to committees which are exempt from the other provisions of the ordinance, it is permissible to apply a local contribution limitation to any committee which makes contributions in elections governed by the provisions of a local ordinance.

If you have any questions please give me a call at (916) 322-5662.

Sincerely,



Jeanne Pritchard
Chief, Technical Assistance
& Analysis

JP:kt



California Fair Political Practices Commission

February 26, 1986

Manuela Albuquerque
City Attorney
Civic Center Building
2180 Milvia Street
Berkeley, CA 94704

Re: A-86-072

Dear Ms. Albuquerque:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact the Technical Assistance and Analysis Division at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

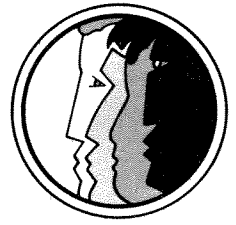
Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh

City of Berkeley



Fair Campaign Practices Commission
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704

F P P C
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(415) 644-6380
TTY 644-6915

February 20, 1986

Fair Political Practices Commission
Legal Division
428 J Street, Suite 800
Sacramento, CA 95814
Attention: Robert Leidigh

Dear Mr. Leidigh:

I am writing to request your opinion regarding the scope of newly enacted Government Code §81009.5b which provides that certain committees are exempt from local filing requirements.

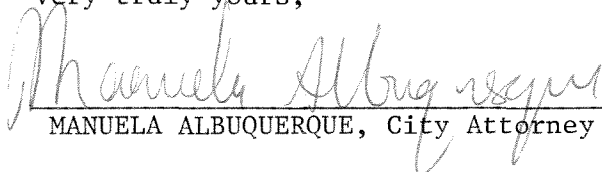
It appears that the only committees upon which we can impose our local campaign disclosure laws are the controlled committees of candidates seeking election only in our city, or committees formed primarily to support or oppose their candidacies, and committees formed primarily to support or oppose a local ballot measure which is being voted on only in our city. (Govt. Code §81009.5b)

It further seems that we cannot impose our local laws upon a city general purpose committee. (Govt. Code §82027.5) We are unclear as to the distinction between an exempt city general purpose committee and a committee formed primarily to support or oppose local candidates and/or measures (the latter is not exempt). We construe these new sections to permit the application of our local laws to a committee whose predominant purpose, as reflected in its bylaws and pattern of expenditure, is to influence elections of local candidates and/or measures. Please advise us if your understanding differs from that set forth above.

It also appears to us that, although imposition of additional or different filing requirements are preempted by Govt. Code §81009.5b, the imposition of local substantive prohibitions are permissible. For instance, although we would not require an exempt committee to file disclosure statements with us, we still plan to apply our contribution limitation since contributions to a local candidate made by an exempt committee would be revealed on the candidate's disclosure form. Otherwise, we would find ourselves in the anomalous position of regulating the beneficiary of the contribution but not the contributor. Please advise us if you disagree with our construction of the new law in this respect as well.

Thank you for your consideration.

Very truly yours,


MANUELA ALBUQUERQUE, City Attorney

cc: Fair Campaign Practices Commission