



California Fair Political Practices Commission

March 2, 1989

Mr. Andrew K. Rauch
Attorney at Law
1228 "N" Street, Suite 13
Sacramento, California 95814

Re: Your Request for Informal
Assistance
Our File No. I-89-052

Dear Mr. Rauch:

You have requested assistance with respect to the definition of the word "candidate" under the provisions of the Political Reform Act (the "Act").^{1/} Since your advice request does not refer to a specific governmental decision, we are treating your question as a request for informal assistance pursuant to Regulations 18329(c) (copy enclosed).^{2/}

QUESTION

Would a person who seeks a position as a statewide officer of the California Republican Party's State Central Committee be classified as a "candidate" under the Act?

CONCLUSION

A person who seeks the position of statewide officer of the California Republican Party's State Central Committee is

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

not classified as a "candidate" under the Act. A central committee statewide office is not an "elective office" within the Act. A central committee statewide office is not a "state elective office" within the Act.

ANALYSIS

Section 82007 defines "candidate", in part, as follows:

"Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office...

Section 82023 defines "elective office" to mean "any state, regional, county, municipal, district or judicial office which is filled at an election. 'Elective office' also includes membership on a county central committee of a qualified political party." Section 82022 defines "election" as "any primary, general, special or recall election held in this state...."

Under the above sections, a "candidate" for purposes of the Act is an individual who is listed on the ballot or has qualified for write-in votes for any state, regional, county, municipal, district or judicial office which is filled at a primary, general, special or recall election held in this state.

The officers of the Republican State Central Committee do not appear on the ballot in a primary, general, special or recall election. Additionally, since the offices are statewide offices, by definition they cannot be regional, county, municipal, or district, and they are not judicial. However, they are not "state offices" within the Act, because Section 82024 specifically limits the term "elective state office" to "Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and member of the State Board of Equalization."

In view of the foregoing, a person who seeks the position of a statewide officer of the California Republican Party's State Central Committee is not seeking nomination or election to an "elective office" within the Act and is therefore not a "candidate" as that term is defined in Section 82007.

Mr. Andrew K. Rauch
March 2, 1989
Page 3

If you have any further questions regarding this matter
please contact me at (916) 322-5901.

Very truly yours,

Diane M. Griffiths
General Counsel



By: Margaret W. Ellison
Counsel, Legal Division

DMG:MWE:aa

Enclosure

LAW OFFICES OF
ANDREW K. RAUCH
1228 "N" STREET, SUITE 13
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 443-0688

FFPC
JAN 27 3 09 PM '89

January 26, 1989

Diane Griffiths
General Counsel
Fair Political Practices Commission
428 J Street Suite 800
Sacramento, CA 95814

Dear Ms. Griffiths:

This letter is written to seek your legal opinion regarding the definition of the word "candidate" under the Political Reform Act of 1974 and subsequent legislation. Specifically, would a person who seeks the position as a statewide officer of the California Republican Party's State Central Committee be classified as a "candidate" under the Act or applicable section of the Government code, including Section 82007?


As you may be aware, the California Republican Central Committee is composed of approximately 1,400 members. Of this total, some hold membership by virtue of their election or nomination to partisan office. Others obtain membership by a selection process among volunteer groups and non-governmental organizations.

The largest percentage of the Committee membership, however, is not selected through an "elective process" but rather appointed by other members.

It appears that individuals who seek a position with a local county central committee might be classified as "candidates" since they file for a position on the ballot and conduct a campaign for support from the general public. The State Central Committee officers, on the other hand, campaign for support only from members of the organization and do not appear on an official government ballot.

Please inform me of your position in writing to the above address. Thank you for your attention and consideration of this inquiry.

Sincerely,


Andrew Rauch

89-052

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Please inform me of your position in writing to the above address. Thank you for your attention and consideration of this inquiry.

Sincerely,

Andrew Rauch



California Fair Political Practices Commission

January 30, 1989

Andrew Rauch
1228 "N" Street, Suite 13
Sacramento, CA 95814

Re: Letter No. 89-052

Dear Mr. Rauch:

Your letter requesting advice under the Political Reform Act was received on January 27, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329.)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
Diane M. Griffiths
General Counsel *by Keel*

DMG:plh