



# California Fair Political Practices Commission

November 7, 1989

Reb Wayne  
Response Dynamics, Inc.  
2070 Chain Bridge Road, Suite 400  
Vienna, VA 22180

Re: Your Request for Informal Assistance  
Our File No. I-89-577

Dear Mr. Wayne:

Your have requested information with respect to the use of campaign disclosure statements filed pursuant to the Political Reform Act (the "Act").<sup>1</sup> Since your question is general in nature and does not relate to a specific decision, we are treating your request as one for informal assistance. (Regulation 18329(c)(3), copy enclosed).<sup>2</sup>

## QUESTION

Does the Act prohibit a candidate or committee from purchasing copies of campaign contribution statements filed by other candidates or committees from the Secretary of State and then using the information to solicit contributions?

## CONCLUSION

The Act does not prohibit a candidate or committee from obtaining copies of campaign contribution statements filed by other candidates from the Secretary of State and then using information contained in those statements to solicit contributions.

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<sup>1</sup> 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.

<sup>2</sup> 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).)

FACTS AND ANALYSIS

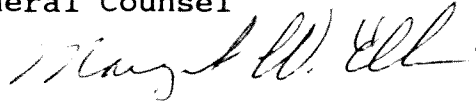
In our conversation of October 17th, you indicated that federal law prohibits candidates or committees from using information copied from campaign reports filed with the Federal Elections Commission to solicit contributions.<sup>3</sup> You wish to know if the Act contains a similar prohibition.

The Act requires candidates and committees to file periodic campaign contribution disclosure statements. (Sections 84100 - 84400.) Some candidates and committees are required to file with the Secretary of State and others are not. (Section 84215.) Every report and statement is a public record open for public inspection and reproduction. (Section 81008.) The Act does not prohibit the use of the information obtained from such reports and statements to solicit contributions.

If you have any questions regarding the above, you may contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Margaret W. Ellison  
Counsel, Legal Division

KED/MWE/aa

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<sup>3</sup> Title 2, Section 438 of the United States Code provides that information copied from federal campaign reports "may not be sold or used by any person for the purpose of soliciting contributions..., other than using the name and address of any political committee to solicit contributions from such committee." (2 USC §438(a)(4).)

FPPC

Oct 5 9 57 AM '89

October 2, 1989

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95807

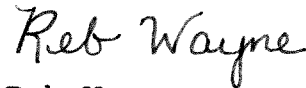
To the Legal Department, FPPC:

This letter is to request clarification of the California Political Reform Act with regards to the use of campaign contribution statements by third parties.

Put simply, does the Political Reform Act prohibit the use of campaign contribution statements (purchased through the the Office of Secretary of State) for solicitation by other candidates and other political organizations?

Your help in clarifying this question would be greatly appreciated.

Sincerely,



Reb Wayne



# California Fair Political Practices Commission

October 11, 1989

Reb Wayne  
Response Dynamics, Inc.  
2070 Chain Bridge Rd., Ste. 400  
Vienna, VA 22180

Re: Letter No. 89-577

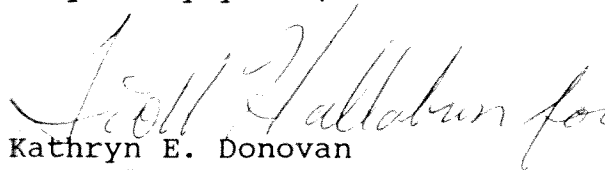
Dear Mr. Wayne:

Your letter requesting advice under the Political Reform Act was received on October 5, 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,

  
Kathryn E. Donovan  
General Counsel

KED:plh