



# California Fair Political Practices Commission

April 27, 1990

Kelly Barrales  
460 2nd Avenue  
Redwood City, CA 94062

Re: Your Request for Informal  
Assistance  
Our File No. I-90-205

Dear Ms. Barrales:

You have requested advice concerning the campaign provisions of the Political Reform Act (the Act).<sup>1/</sup> Your letter requests our interpretation of a local campaign ordinance. The Commission has no jurisdiction to interpret local campaign ordinances. We can provide only general guidance as to similar provisions of the Act; thus, we are treating your request as a request for informal assistance pursuant to Regulation 18329(c)<sup>2/</sup> (copy enclosed).

### FACTS

You are a volunteer campaign worker for San Mateo Supervisor Tom Huening. Supervisor Huening received a \$100 personal contribution from the father of a family which owns a corporation. Later, the Supervisor received and returned a \$500 contribution from the corporation. Supervisor Huening's treasurer does not know who in fact directed or controlled the corporation's contribution.

San Mateo County has a local ordinance limiting contributions to candidates to \$500.

---

<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).)

QUESTION

Can Supervisor Tom Huening's Committee accept a \$500 contribution from the corporation?

CONCLUSION

The Act's contribution limit for contributions from persons to candidates is \$1,000 per fiscal year (July 1 - June 30). Your question concerns contributions which aggregate to an amount within the Act's \$1,000 limitation but which are regulated by a county ordinance imposing a lower limit. The Commission has no authority to advise you regarding application of the county's ordinance. You should contact your County Counsel for assistance in this matter. Advice letters which provide guidance on how to apply the state contribution limits are cited in the analysis.

ANALYSIS

The Act, as amended by Proposition 73, provides that contributions to candidates for elective office must comply with the contribution limits set forth in Sections 85301, 85303 and 85305. Contributions from a person to a candidate are limited to \$1,000 each fiscal year.<sup>3/</sup> (Section 85301.)

However, Section 85101 provides:

(a) Nothing in this chapter shall affect the validity of a campaign contribution limitation in effect on the operative date of this chapter which was enacted by a local governmental agency and imposes lower contribution limitations.

(b) Nothing in this chapter shall prohibit a local governmental agency from imposing lower campaign contribution limitations for candidates for elective office in its jurisdiction.

According to these sections of the Act, local jurisdictions are not prohibited from either imposing lower contribution limitations on local candidates or from imposing other campaign requirements so long as the requirements do not prevent candidates from complying with the Act. Where provisions of local law do not conflict with the Act, the local law will not be superseded. (Gawron Advice, Letter No. I-89-550, copy enclosed.)

---

<sup>3/</sup> The term "person" is defined to include an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and labor organization. (Section 85102(b).)

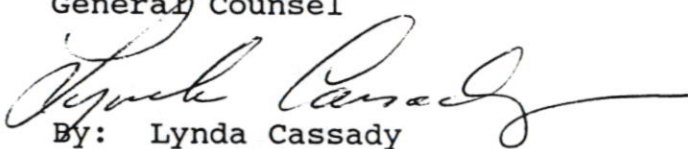
Therefore, because the corporation and those who may direct and control the corporation's contributions are making contributions under the Act's \$1,000 contribution limit, we have no authority to provide advice on whether Supervisor Huening's committee may accept the corporation's contribution under the provisions of San Mateo County's campaign ordinance. You should request advice from the County Counsel to determine how contributions are required to be aggregated for purposes of the local ordinance.

For your guidance, enclosed is the Recht Advice Letter, No. I-89-571, which discusses circumstances under which the Act requires contributions from persons to be cumulated for purposes of the state contribution limits, and for purposes of correctly disclosing the cumulative amounts of contributions received from the corporation and its owners. Also enclosed is the Bell Advice Letter, No. I-89-370, which explains the duties of a campaign treasurer with respect to the requirement to obtain affiliation information from contributors for the purpose of ensuring that contributions are within the state's contribution limitations.

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Lynda Cassady  
Political Reform Consultant

Enclosures