



California Fair Political Practices Commission

July 19, 1990

Honorable Fred Weekes
Councilmember, City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

Re: Your Request for Confirmation of
Telephone Advice
Our File No. A-90-450

Dear Mr. Weekes:

We have received your letter dated July 2, 1990 seeking written confirmation of telephone advice provided to you on that date regarding your responsibilities as a member of the City of Berkeley City Council under the campaign contribution restrictions provisions of the Political Reform Act ("the Act").¹ Although your letter did not reiterate the advice given to you, we provide you with the following confirmation.

You were advised that Section 85304 of the Act prohibited the transfer of funds between candidates or their controlled committees. However, because of a preliminary injunction issued May 19, 1989 in the case of Service Employees International Union, et al. v. FPPC (U.S. District Court, Eastern District of California, Case No. CIVS 89-0433-LKK-JFM), a candidate may transfer campaign funds among his or her own separate controlled candidate committees. Pursuant to this injunction, the Commission has advised that Section 85304 has been suspended with respect to a candidate's ability to transfer funds among his or her own separate controlled candidate committees. (Harwood Advice Letter, No. A-90-245; Felando Advice Letter No. A-90-087, copies enclosed.)

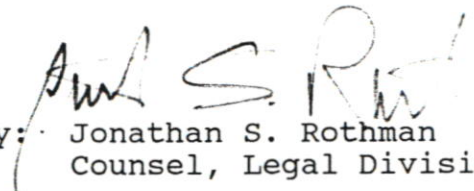
The Commission anticipates a final ruling in this case at any time. The provisions of the injunction concerning a candidate's ability to transfer campaign funds among his or her own controlled candidate committees may or may not ultimately be included in the judge's ruling.

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

I trust this letter has provided you with the guidance you requested. If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Jonathan S. Rothman
Counsel, Legal Division

SH:JSR:plh

Enclosures