



California Fair Political Practices Commission

September 14, 1990

Dan Weinstein
Los Angeles County Federation
of Labor
2130 West 9th Street
Los Angeles, CA 9006

RE: Your Request for Confirmation
of Telephone Advice
Our File No. A-90-588

Dear Mr. Weinstein:

This is to confirm telephone advice I gave to you on September 12, 1990 concerning the duties of the Sheetmetal Workers' Union under the contribution limits of the Political Reform Act (the "Act").¹

You have asked whether the following activities are permissible under the Act: The Sheetmetal Workers' Union (the "union") desires to raise money for contributions to California candidates. May the union solicit contributions from individual delegates at its international conference in Washington, D.C., deposit the monies into its political action committee's account and then make contributions from that account to its various California and non-California union affiliates for possible contribution to California candidates?

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.

As I indicated to you on the telephone, these activities will not violate the contribution limits or other provisions of the Act if the following conditions are met:

1. When the union contributes the funds to its California or non-California affiliates it cannot earmark the funds for contribution to particular California candidates. If the funds are earmarked for this purpose, then they will be considered a contribution directly from the union to the California candidate. In such a case the funds will be cumulated with all other funds similarly earmarked and the total of such funds cannot exceed the contribution limit for California candidates applicable to the union.²
2. The same person or persons cannot in fact direct and control the making of contributions to California candidates in excess of the applicable contribution limits. (See Regulation 18531.5, copy enclosed.³) In other words, if the same person or persons make contribution decisions for the union and any of its affiliates, the contributions from the union and those affiliates will be considered to be from the same source and, when cumulated, cannot exceed the contribution limits applicable to that source.
3. The amounts given to the affiliates by the union for contribution to California candidates cannot exceed the applicable limits on contributions to committees under the Act.⁴

² The contribution limit for California candidates that is applicable to the union will depend on the type of committee it is as defined by the Act. If the union is not currently a California recipient committee, the enclosed information sheet will assist in making this determination.

³ Even though Regulation 18531.5 has not yet been filed with the Secretary of State, it has been approved by the Commission and is an expression of Commission policy. The regulation is currently under review by the Office of Administrative Law and should be filed with the Secretary of State within the next month.

⁴ The limits applicable to the union's contributions to each affiliate will be either \$2,500 (see Section 85302(a)) or \$5,000 (see Section 85302(b)), depending on the affiliate's status. (See enclosed information sheet and Campaign Information Manual.)

4. The contributions made by the affiliates cannot exceed the applicable limits on contributions to candidates.⁵

Finally, please note that the giving of these funds may, at specific points, require the filing of appropriate campaign reporting forms. Please refer to the enclosed Campaign Information Manual for detailed information concerning campaign disclosure.

If you have any questions concerning this matter. Please contact our Technical Assistance and Analysis Division at (916) 322-5662.

Sincerely,



Scott Hallabrin
Acting General Counsel

Enclosures

⁵ The contribution limits applicable to each affiliate will depend on its status. (See enclosed information sheet and the enclosed Campaign Information Manual.)