



California Fair Political Practices Commission

November 15, 1990

John H. Hodgson II
Nielsen, Merksamer, Hodgson, Parrinello & Mueller
770 L Street Suite 800
Sacramento, CA 95814

Re: Your Request for Confirmation of
Telephone Advice
Our File No. A-90-657

Dear Mr. Hodgson:

This is in response to your letter of October 12, 1990, requesting confirmation of telephone advice given to Christopher Micheli of your office on October 3, 1990, regarding Proposition 105 of the Political Reform Act (the "Act").¹ I advised Mr. Micheli that an advertisement devoted 50 percent to matters concerning a voter-qualified initiative and 50 percent to a candidacy did not require disclosure of the major funding sources.

As I informed you by telephone on November 1, I cannot confirm the telephone advice previously provided you.

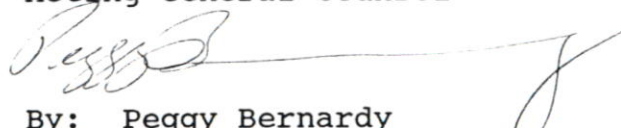
The provisions of Sections 84501-84514 ("Proposition 105") apply only to voter-qualified initiatives. (See Hiltachk Advice Letter, No. A 90-186, copy enclosed.) The disclosure requirements of Sections 84507-84510 apply only to advertisements the contents of which are more than 50 percent devoted to one initiative. (Section 84512; see Fishburn Advice Letter, No. I-90-317, copy enclosed.) This so-called "50-50 rule" does not apply, however, when an advertisement supports or opposes one voter-qualified initiative and another matter, such as a legislatively sponsored measure or a candidacy. In that case, only the portion of the advertisement devoted to the voter-qualified initiative is relevant. Therefore more than 50 percent of the advertisement is devoted to the voter-qualified initiative. (Van Winkle Advice Letter, No. A-90-635, copy enclosed.)

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.

I trust this letter adequately addresses your questions. If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel

A handwritten signature in cursive script, appearing to read "Peggy Bernardy", written over a horizontal line.

By: Peggy Bernardy
Counsel, Legal Division

SH:PB:dg

Enclosures