



California Fair Political Practices Commission

December 20, 1990

Ms. Diane M. Fishburn
Olson, Connelly, Hagel,
Fong & Leidigh
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Confirmation of
Telephone Advice
Our File No. A-90-733

Dear Ms. Fishburn:

We have received your letter dated November 30, 1990, seeking written confirmation of telephone advice previously provided to you by this agency. You had sought advice on behalf of the California Democratic Party concerning the Proposition 73 contribution limitations of the Political Reform Act (the "Act").¹ We are only able to partially confirm the advice provided to you.

As you correctly noted, you were advised that Judge Karlton's partial stay of his ruling in SEIU v. FPPC dissolves when the California Supreme Court's decision in Taxpayers To Limit Campaign Spending v. FPPC becomes final, that the SEIU decision did not invalidate the special election contribution limitations of Proposition 73, and that the prohibition on transfers to a candidate in a special election, including transfers from the candidate's other committees, remains in effect. (This advice was confirmed by the Commission at its meeting on December 4, 1990.)

Because the transfer prohibition remains applicable to candidates involved in special elections, you were informed that the party could not use any funds received from candidates for membership communications at a candidate's behest. Otherwise, there were no limits on a political party's use of funds for communications to its members even if the expenditures for the communications were made at the behest of a candidate in a special election.

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.

However, you were not advised that Section 85302's contribution limitations were not applicable to funds received by a political committee, broad based committee, or political party and thereafter used to make contributions to candidates in any special election. Section 85302's contribution limitations remain applicable in legislative special and non-special election contexts.

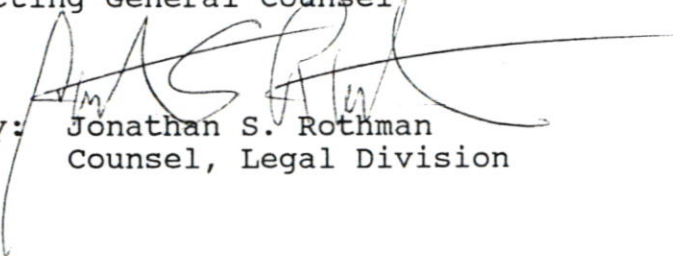
Also, because the special election contribution limitation provisions remain in effect, a political party's contribution to a candidate in a special election remains limited to a maximum of \$5,000. (Section 85305(c)(3).)

Finally, you were advised that the advice concerning Proposition 73's special election provisions was presently effective and not contingent upon the finality of the California Supreme Court's decision in the Taxpayers case.

I hope this letter has provided you with the guidance you requested. Please contact me if you have any further questions regarding this matter at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Jonathan S. Rothman
Counsel, Legal Division

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