



California Fair Political Practices Commission

March 16, 1992

Ms. Dorothy Benya
Quaresma, Benya, Hall,
Connich, O'Hara & Nixon
37323 Fremont Boulevard
Fremont, CA 94536

Re: Your Request for Informal Advice
Our File No. I-92-79

Dear Ms. Benya:

You have requested advice regarding the campaign provisions of the Political Reform Act (the "Act").^{1/} Since your question is general in nature and you have not identified the person on whose behalf the request is being made, we provide the following informal response to your question.^{2/}

QUESTION

May a school board member's controlled committee make an unlimited contribution to a committee formed to recall a member of the city council?

ANSWER

A contribution to a recall committee is not limited. Whether the contribution is permissible will depend upon whether the expenditure is reasonably related to a political, legislative, or governmental purpose.

^{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.

^{2/} 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).)

ANALYSIS

Recall efforts are classified as ballot measures under Section 82043 of the Act. (Roberti Advice Letter, No. I-89-358.)^{3/} The Act's contribution limits do not apply to ballot measures. (See Citizens Against Rent Control v. City of Berkeley (1981) 454 U.S. 290.)

Section 89512 requires that an expenditure of campaign funds must be reasonably related to a political, governmental, or legislative purpose. However, without specific facts concerning the relationship between the school board member and the officeholder subject to the recall, we cannot make the determination whether such a contribution meets the requisite tests in Section 89512.

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

Sincerely,

Scott Hallabrin
Acting General Counsel

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By: Lynda Cassady
Political Reform Consultant

^{3/} Copies of Commission regulations and opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.