



California Fair Political Practices Commission

June 17, 1993

Charles Bell
Bell, McAndrews & Hiltachk
555 Capitol Mall, Suite 530
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-93-234

Dear Mr. Bell:

I am writing regarding your request for advice concerning Government Code Section 85305 of the Political Reform Act (the "Act").¹ You inquired as to whether a contributor may make, and a special election candidate may accept, contributions outside the "special election cycle" or the "special runoff election cycle," if the funds are used for retirement of debts incurred by the candidate's committee for such periods.

Specifically you asked whether an individual may, during a special runoff election cycle, contribute \$1,000 to a candidate committee to help retire special election debt and, during the same period, contribute an additional \$1,000 to the candidate's special runoff election.

Section 85305 provides that the contribution limitations shall apply during special election cycles and special runoff election cycles, as follows:

(c)(1) No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by the candidate, to exceed one thousand dollars

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.

(\$1,000) during any special election cycle or special runoff election cycle.

Section 85305(c)(1).

Section 85305 specifically delineates the time period during which a contribution may be given and accepted. "Special election cycle" means the day on which the office becomes vacant until the day of the special election. "Special runoff election cycle" means the day after the special election until the day of the special runoff election. (Section 85305(b)(1) and (2).)

Accordingly, an individual may contribute \$1,000 during the special election cycle and \$1,000 during the special runoff election cycle. In your example, the individual would be contributing \$2,000 during the "special runoff election cycle." This is not allowable under the statute.

The Commission adopted Regulation 18535, which sets forth guidelines for contribution limitations during special and special runoff elections. Subdivision (d) of this regulation provides:

(d) Following the date of the special election or special runoff election, a candidate for or campaign treasurer of a candidate for that special election or special runoff election, may do the following:

(1) Solicit and accept contributions for the special election committee subject to the limitations set forth in Government Code Section 85305.

(2) Transfer contributions to the special election committee so long as the contributions are transferred pursuant to subdivisions (a), (b), and (c).

Subdivision (d) was adopted to allow an individual to contribute to a candidate's committee to help retire the debt after the election, if the individual did not contribute up to the limits during the special election cycles. For example, a candidate who successfully ran in both the special election and the special runoff election could accept a \$2,000 contribution after the special runoff election from an individual who did not contribute during either election cycle.

I trust this answers your question.

Sincerely,

Jeff Marschner
General Counsel

By: 
Jill Stecher
Counsel, Legal Division

JM:JS:ak