



California Fair Political Practices Commission

August 27, 1993

Doug Vagim
P.O. Box 4042
Fresno, CA 93744

Re: Your Request for Advice
Our File No. A-93-281

Dear Mr. Vagim:

You have requested advice concerning the campaign provisions of the Political Reform Act ("the Act").^{1/}

QUESTIONS

1. Following a special election, may your Assembly special election committee continue to receive contributions?
2. May you receive contributions into your Supervisor committee and then transfer those contributions to your Assembly special election committee to pay its outstanding debts?
3. May your Supervisor committee receive contributions from persons that made the maximum permissible contributions to your special election committee?

CONCLUSIONS

1. Following a special election, your Assembly special election committee may continue to receive contributions as long as such contributions are received from persons that have not made the maximum permissible contributions in the primary and general elections.
2. Contributions may be transferred from your Supervisor committee to your Assembly special election committee as long as such contributions would not exceed the contribution limits imposed during the special primary and general elections.

^{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.

3. Your Supervisor committee may receive contributions from persons that made the maximum contributions permissible to your special election committee. However, these contributions may not be transferred to your Assembly special election committee.

FACTS

You are a county supervisor and an unsuccessful candidate in a special election for the California State Assembly. You have two committees, one designated for the special election and one designated for your county supervisor position. During the special election, you transferred contributions from your Supervisor committee to your special election committee and some individuals made the maximum contributions permissible under the special election contribution limits. The Assembly special election primary was held in March 1993 and the general election was held in April 1993.

ANALYSIS

In the case of Service Employees International Union, AFL-CIO, CLC, et al. v. FPCC (9th Cir. 1992) 955 F.2d 1312, cert.den. 112 S.Ct. 3056 and 112 S.Ct. 3057, the court invalidated the contribution limitations in the Act based on fiscal years. The court did not invalidate the special election and special runoff election contribution limitations. The court also allowed candidates to transfer campaign funds among their own campaign committees. Therefore, a candidate with more than one campaign committee may transfer contributions from a regular election committee to his special election committee as long as the transfer does not cause the total amount contributed by any person to the special election committee to exceed the contribution limitations of Section 85305.

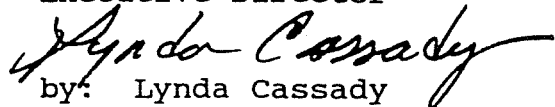
The Commission has adopted Regulation 18535 (copy enclosed) to clarify that following a special election, a special election committee may continue to receive contributions as long as such contributions do not exceed the contribution limits. Therefore, persons who did not contribute the maximum permissible during the primary and general election cycles may now make contributions to the Assembly committee as long as those contributions, when cumulated with contributions previously made or transferred to the Assembly committee, do not exceed the limits imposed by Section 85305. (Bell Advice Letter, No. A-93-234, copy enclosed.) The regulation also specifies the reporting obligations for any transferred contributions.

A candidate's controlled committee for a regular election can receive contributions from persons that previously made the maximum permissible contributions to the candidate's special election committee. However, such contributions may not be transferred to the special election committee.

If you have questions concerning this letter, please contact me at (916) 322-5662.

Sincerely,

Wayne Ordos
Executive Director

A handwritten signature in black ink, appearing to read "Lynda Cassady". The signature is written in a cursive style with a long horizontal flourish extending to the right.

by: Lynda Cassady
Assistant Division Chief
Technical Assistance Division