



California Fair Political Practices Commission

October 13, 1993

Eric Steffenson
3981 Freed Avenue
San Jose, CA 95117

Re: Your Request for Informal Assistance
Our File No. I-93-342

Dear Mr. Steffenson:

You have requested advice regarding the use of public funds to oppose Proposition 174 and the reporting requirements under the Political Reform Act (the "Act").^{1/} Because the use of public funds with respect to opposing a ballot measure is outside the jurisdiction of the Commission, we can only provide the following informal guidelines with respect to the reporting requirements under the Act.^{2/}

Although the Act does not cover the appropriate use of public funds to oppose ballot measures, Regulation 18420 does provide that government agencies which make expenditures or contributions must file campaign statements if they qualify as a committee under Government Code Section 82013.

Therefore, contributions made by a local government agency to a candidate or committee must be disclosed as contributions on the campaign disclosure statements of the recipient.^{3/} In addition,

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. (Section 83114; Regulation 18329(c)(3).)

3/ Regulation 18420 provides: "Nothing in this regulation should be read as condoning or authorizing campaign-related activities by a state or local government agency. Under many circumstances, such activities may be illegal. See Penal Code Section 424; Stanson v. Mott, 17 Cal. 3d 206 (1976); People v. Sperl, 54 Cal. App. 3d 640 (1976); and People v. Battin, 77 Cal. App. 3d 635 (1978)."

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if the contributions or expenditures made by the local government agency meet the thresholds outlined in Section 82013, the agency will become a committee under of the Act. As a committee, the local government agency will incur reporting obligations. (See the enclosed fact sheet developed by the Commission which was distributed to school district boards throughout California in June of 1992.)

With respect to the use of public funds to oppose Proposition 174, we suggest you contact the Attorney General's office or the legal office of the California Department Education at (916) 657-2453.

If you have any further questions regarding this matter or questions regarding campaign disclosure requirements, please feel free to contact me Monday through Thursday at (916) 322-5662.

Sincerely,



Linda Moureaux
Political Reform Consultant

Enclosure