



# California Fair Political Practices Commission

January 4, 1995

L.G. Statham  
1008 10th Street #514  
Sacramento, CA 95814-3502

Re: Your Request for Informal Assistance  
Our File No. I-94-389

Dear Ms. Statham:

You have requested advice on behalf of former Assemblyman Stan Statham concerning the campaign provisions of the Political Reform Act (the "Act").<sup>1/</sup> Your letters are general inquiries. Therefore, we will treat them as requests for informal assistance.<sup>2/</sup>

## QUESTIONS

1. You have asked how to handle a refund of \$27.10 from the United States Post Office that was received after Mr. Statham's Assembly officeholder account and his campaign account were closed and a new account was opened for a different office.

2. Your second question, under separate cover, was whether you could reimburse yourself from the new account for bills that were incurred prior to Mr. Statham's leaving the Assembly.

## CONCLUSIONS

1. You may deposit the refund into the new account set up for a future election.

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<sup>1/</sup> 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.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

L.G. Statham  
Our File No. I-94-389  
Page 2

On the long form campaign statement (Form 490) the refund should be reported on Schedule I, Miscellaneous Increases to Cash, for the period in which it was received. Because of the amount, the refund should be reported in the section for increases of less than \$100.

2. You may not be reimbursed for expenses in connection with the Assembly office from the new account.

#### FACTS

After speaking with you to obtain additional information, I learned that your husband's Assembly officeholder account and his campaign account were closed prior to his leaving office and the funds were transferred to an account set up for a future election to a different office. After the accounts were closed, he received a refund from the United States Post Office of \$27.10 for bulk account postage. You have also indicated, in a separate letter, that you have a couple of small receipts for bills that were incurred prior to his leaving office.

#### ANALYSIS

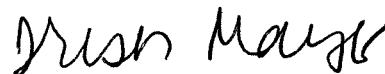
Candidates and officeholders who receive refunds or credits after closing their campaign bank accounts are not required to establish or reopen an account as long as the refund or credit is not a "contribution." Section 82015 and Regulation 18215 define the term "contribution" as a payment made for political purposes.

In the case of refunds by a government agency, such payments would not be considered contributions under the Act because the government agency would have no political purpose in making the refunds. Your letter indicates that in this instance, the United States Post Office was making a refund for bulk account postage. Therefore, you may deposit the refund into the new account set up for a future election.

Government Code Section 85201(e) provides that all expenditures for a particular office must be made from the account established for that office. Because the accounts from which the reimbursements must be paid have been closed and the funds transferred to a new account set up for a future election to a different office, you may not be reimbursed with funds from the new account.

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

Sincerely,



Trish Mayer  
Political Reform Consultant  
Technical Assistance Division