

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

April 16, 1996

Francine Rice-Laabs
President
National Education Association - Jurupa
9227 Orco Parkway, Suite E
Riverside, California 92509

Re: Your Request for Advice
Our File No. A-96-110

Dear Ms. Rice-Laabs:

This is in response to your request for advice regarding the permissible use of campaign funds provisions of the Political Reform Act (the "Act").¹

QUESTION

May you use funds from your established PAC for the purpose of supporting a campaign to recall the current school board members in your district prior to the actual recall election in November of 1996?

CONCLUSION

Yes. You may use funds from your established recipient committee to make expenditures in connection with a recall election involving school board members in your district.

FACTS

You are currently the treasurer of a recipient committee controlled by the National Education Association. The committee was formed, as stated in the committee's statement of organization, as a general purpose committee to "serve as a voluntary funding structure to support or oppose State and local candidates."

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, Sections 18000-18995.

The committee would like to support a campaign to recall the current school board members in your district. The election will be held in November of 1996.

ANALYSIS

Section 89512.5 controls the use of funds by a committee not controlled by a candidate. Generally, any committee expenditure reasonably related to a political purpose is permitted. If an expenditure confers a substantial personal benefit on an individual who has authority to approve an expenditure of campaign funds held by the committee, then such an expenditure must be directly related to the political purpose of the committee.

You are the treasurer of a general purpose recipient committee. The committee is controlled by the National Education Association and would like to make expenditures to support a campaign to recall the current school board members in your area.

Expenditures made by a recipient committee controlled by an education organization to participate in the recall of school board members appears to be directly related to a political, legislative or governmental purpose. Accordingly, this expenditure of committee funds is permitted under the Act.²

If you have any further questions, please feel free to contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Liane Randolph
Counsel, Legal Division

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² This advice is limited to the provisions of the Act and does not address any state or federal taxation issues that may arise from such expenditures.