

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

March 12, 1997

Lynda Burgess, CMC/AAE  
City Clerk  
City of Diamond Bar  
21660 E. Copley Drive, Suite 100  
Diamond Bar, California 91765-4177

**Re: Your Request for Advice  
Our File No. I-97-022**

Dear Ms. Burgess:

This letter is in response to your request for advice on behalf of several candidates in the City of Diamond Bar regarding the Proposition 208 provisions of the Political Reform Act (the "Act").<sup>1</sup> Since you are not requesting advice on behalf of a specific individual whose identity is provided, we are treating this as a request for informal assistance.<sup>2</sup>

You have inquired how to interpret sections 85301(e) and 85307(c) as they apply to contributions from community property funds?

**SECTION 85301**

Section 85301(e) makes a distinction between contributions from a candidate and a spouse. This section sets forth an exception whereby contributions of a candidate's personal funds to his or her own campaign committee are not limited. A spouse is considered a "person" (Section 82047) under the Act and therefore is subject to the contribution limits for persons (Section 85301(a) through (d)), regardless of the source of the funds.

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<sup>1</sup> Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, 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, subd. (c)(3), (c)(4).)

A spouse may make a contribution to the candidate/spouse's campaign committee from community property funds by following the procedure outlined in Regulation 18533 (copy enclosed). If the spouse signs the check from the community property account, he or she is considered the contributor for purposes of the contribution limits. The spouse may only contribute as specified in section 85301(a) through (d).

If the candidate makes a contribution to his or her campaign account from the community property account and signs the check, the candidate is considered the contributor and section 85301(e) applies.


### SECTION 85307(c)

Section 85307(c) allows a candidate to contribute to his or her campaign committee in the form of a loan which does not total more than \$20,000 at any one point in time. The candidate's contribution may come from community property funds. If the candidate signs the check from a community property account to contribute money to his or her campaign account, the candidate is considered the contributor (Regulation 18533).

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel

  
By: Jill Stecher  
Staff Counsel, Legal Division

SGC:JS:ak

Enclosure