

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

February 3, 1997

Peter A. Fitzpatrick
Law Offices of Ksenia Tsenin
320 Clement Street
San Francisco, California 94118

Re: Your Request for Advice
Our File No. A-97-024

Dear Mr. Fitzpatrick:

This letter is a response to your request for advice on behalf of Ksenia Tsenin, a candidate for the judiciary in 1996, regarding the provisions of the Political Reform Act (the "Act").¹

QUESTIONS

1. Does Proposition 208 apply to judicial races?
2. If you are retiring a debt for a judicial race held in the City and County of San Francisco prior to January 1, 1997, then what contribution limits apply to retire debt from that race?

CONCLUSIONS

1. Proposition 208, which was passed by the voters in 1996 and went into effect on January 1, 1997, substantially amended the Act. The initiative's provisions included contribution limits and voluntary spending limits. The contribution limits, and the other provisions of Proposition 208, apply to judicial elections. (Section 85301; *Barbara* Advice Letter, No. A-96-333, copy enclosed.)
2. Section 85305 provides that candidates may accept contributions to retire debt incurred with respect to any election held prior to January 1, 1997, if the funds are collected pursuant to the contribution limits in Section 85301. No contribution limits existed for the

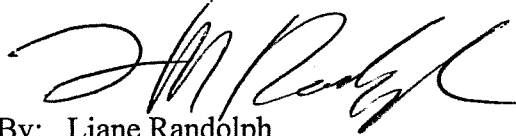
¹ Government Code sections 81000 - 91015. Commission regulations appear at title 2, sections 18000 - 18995, of the California Code of Regulations.

election at the time it was held. Section 85301 provides that no person shall make to any candidate or committee, and no candidate or committee shall accept, a contribution totaling more than \$250 for each election if the district in which the candidate is running consists of 100,000 residents or more. (Section 85301(b).) Therefore, if the district in which your candidate is running consists of 100,000 or more residents, then the limit for contributions collected to retire that debt will be \$250.²

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Liane Randolph
Staff Counsel, Legal Division

SGC:LR:ak

² If the jurisdiction contains less than 100,000 residents, the contribution limit will be \$100. (Section 85301(a).) We do not have any facts regarding the number of residents in the district in question, so we are unable to determine which limit will apply.