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CHAIRMAN



## FAIR POLITICAL PRACTICES COMMISSION

January 29, 1997

Shirley L. Grindle  
Chairman  
Orange County Campaign Finance Reform Committee  
5021 E. Glen Arran  
Orange, California 92869

**Re: Your Request for Advice  
Our File No. I-97-041**

Dear Ms. Grindle:

This letter is a response to your request for advice regarding the provisions of the Political Reform Act (the "Act").<sup>1</sup> Since you are not asking on behalf of the jurisdiction whose duties are in question we are treating this as a request for informal advice only<sup>2</sup>. (Section 83114(b); Regulation 18329(b)(2)(A).)

### QUESTION

If a local jurisdiction has passed by a vote of the people an ordinance with higher (less restrictive) contribution limits than those established by Proposition 208 before January 1, 1997, is the local limit preempted by the Proposition 208 limit?

### CONCLUSION

No. The local limit is not preempted by Proposition 208.

### ANALYSIS

Proposition 208 was passed by the voters on November 5, 1996, and has an effective date of January 1, 1997. The initiative amended the Act and imposes a comprehensive scheme of contribution limits for both state and local elections. Proposition 208 specified that the initiative

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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).)

would not preempt local ordinances in certain circumstances. Section 85706 provides as follows:

(a) Nothing in this Act shall nullify contribution limitations or other campaign disclosures or prohibitions of any local jurisdiction that are as or more stringent than set forth in this act.

(b) The governing body of a local jurisdiction may impose lower contribution limitations or other campaign disclosures or prohibitions that are as or more stringent than set forth in this act. A local jurisdiction may impose higher contribution or expenditure limitations only by a vote of the people.

\* \* \*

We read the verb "may impose" in the last sentence of subsection (b) to include previously enacted ordinances. (*Mueller* Advice Letter, No. A-96-353. Copy enclosed.) Therefore, Proposition 208 would not preempt higher contribution limits enacted by a vote of the people before January 1, 1997.

If you have any additional questions about Proposition 208, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel



By: Marte E. Castaños  
Staff Counsel, Legal Division

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