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RAVI MEHTA
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FAIR POLITICAL PRACTICES COMMISSION

March 26, 1997

Alice Vilardi
Interim City Attorney
City of Salinas
Office of the City Attorney
200 Lincoln Avenue
Salinas, California 93901

**Re: Your Request for Advice
Our File No. A-97-086**

Dear Ms. Vilardi:

This letter is a response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTIONS

- 1) What are the applicable contribution limits under sections 85301 and 85402 for mayoral elections in the City of Salinas?
- 2) What are the applicable contribution limits under sections 85301 and 85402 for city council elections in the City of Salinas?

CONCLUSION

- 1) Under section 85301, the applicable contribution limit for mayoral elections in the City of Salinas is \$250 per person per election. Under section 85402, the applicable contribution limit for mayoral elections is \$500 per person per election.
- 2) Under section 85301, the applicable contribution limit for the Salinas City Council elections is \$100 per person per election. Under section 85402, the applicable contribution limit for city council elections is \$250 per person per election.

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

FACTS

The City of Salinas is a charter city with a directly elected mayor who runs in a citywide election and six elected councilmembers, each of whom run in and represent one of six districts in the city. The City of Salinas has a population of approximately 125,000. Each of the six city council districts has approximately 20,800 residents.

ANALYSIS

The voters approved Proposition 208 on November 5, 1996, which went into effect on January 1, 1997. Proposition 208 limits the amount a person may contribute to candidates for local elective offices. Specifically, section 85301 provides that no person may make to any candidate for local office in districts with fewer than 100,000 residents, and no such candidate may accept from any person, contributions totaling more than \$100 for each election. (Section 85301(a).) In districts of 100,000 residents or more, the contribution limit applicable to any person is \$250 for each election. (Section 85301(b).)

For purposes of the contribution limitations, the district for the mayoral election is the city because all city residents have the opportunity to vote for a mayoral candidate. Salinas has a population of approximately 125,000. Therefore, under section 85301 the contribution limit for the Salinas mayoral election is \$250 per person per election.

In the city council elections, city residents only have the opportunity to vote for one city council candidate. Therefore, the district for city council elections, under section 85301, is the particular district in which each councilmember is running. Each councilmember district has approximately 20,800 residents. Accordingly, the contribution limit applicable to candidates running for the Salinas City Council is \$100 per person per election.

Proposition 208 permits cities to establish voluntary spending limits for local candidates that do not exceed \$1 per resident for each election. (Section 85400.) Once a city has adopted voluntary spending limits, each local candidate must file a statement of acceptance or rejection of the spending limit before accepting contributions. (Section 85401(a); Emergency Regulation 18541.)² Under section 85402, if a candidate accepts the local spending limit, the amount the candidate may receive as a contribution increases. In districts of fewer than 100,000 residents, the contribution limit for a candidate who accepts the local spending limit is \$250 per person per election. (Section 85402(a).) In districts of 100,000 residents or more, the contribution limit is \$500 per person per election. (Section 85402(b).)

² Emergency regulations expire by operation of law 120 days after adoption. Regulation 18530.1 will expire on May 7, 1997. The Commission may adopt the regulation as a permanent regulation before the expiration date.

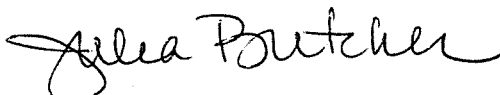
Assuming the City of Salinas has voluntary spending limits, the contribution limit for a mayoral candidate who accepts the local spending limit is \$500 per person per election. For city council candidates who accept the local spending limit, the contribution limit is \$250 per person per election. If no voluntary spending limit exists, these higher contribution limits do not apply.

You have not specifically requested advice concerning section 85302 regarding small contributor committees, however, section 85302 references both sections 85301 and 85402. Specifically, section 85302 provides that the contribution limits applicable to small contributor committees is two times the limits applicable to persons. Thus, under section 85302, the contribution limit for the Salinas mayoral election is \$500 per small contributor committee per election and the contribution limit for the Salinas city council election is \$200 per small contributor committee per election. Further, under section 85402, the contribution limit for the mayoral election is \$1000 per small contributor committee per election and the contribution limit for the city council election is \$500 per small contributor committee per election.

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Julia Butcher
Graduate Assistant, Legal Division

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