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FAIR POLITICAL PRACTICES COMMISSION

April 30, 1997

Patricia E. Castillo
Treasurer
Elaine White Alquist for State Assembly
Post Office Box 1192
Santa Clara, California 95052-1192

**Re: Your Request for Advice
Our File No. A-97-171**

Dear Ms. Castillo:

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

QUESTIONS

1. Does the \$10,000 limitation for officeholder accounts include expenses for a fundraising event?
2. May funds for the officeholder account be raised from persons outside a public official's district.

CONCLUSIONS

1. Yes. The \$10,000 limitation includes costs for fundraising.
2. Yes. The Act does not limit public officials from raising money outside their district.

ANALYSIS

Section 85313(a) provides that officeholder expense funds may be used for expenses related to assisting, serving, or communicating with constituents, or with carrying out the official duties of the elected officer. Officeholder expense funds may not be used for campaign

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

expenses. We interpret the permissible uses of funds under Section 85313(a) to include conducting fundraising for the officeholder account. Section 85313 states that the total aggregate contributions to an officeholder expense fund may not exceed \$10,000 in a calendar year. There currently is no provision in either the Act or the Commission regulations that permit "netting out" fundraising expenses for officeholder accounts. Therefore, for example, under Section 85313, an officeholder may not raise and deposit in his or her officeholder expense fund a total of \$12,000, then pay the \$2,000 event cost and net out this amount for a total of \$10,000 remaining in the officeholder account. (*Ackerman* Advice Letter, No. A-97-065.)

The Act does not prohibit a public official from raising campaign funds or officeholder funds from any person² outside the public official's district.

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Marte Castaños
Legal Counsel, Legal Division

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² "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert." (Section 82047.)