

June 13, 1997

Aaron Read
Aaron Read & Associates
1127 - 11th St., Ste. 350
Sacramento, CA 95814

**Re: Your Request for Informal Assistance
Our File No. I-97-261**

Dear Mr. Read:

This letter is in response to your request for advice on behalf of the California Dental Hygienists Association ("CDHA") concerning the provisions of the Political Reform Act (the "Act").¹ Although you have requested formal written advice, your questions are general in nature and your letter did not provide any factual information concerning CDHA's existing political committee(s) or current activities, if any. I attempted to contact you by telephone on May 21 and May 23 to obtain additional information but did not hear from you. Therefore, we are treating your letter as a request for informal assistance.² I hope the following general information will be helpful.

QUESTION

You state that CDHA is considering creating an independent expenditure account, and would like to know if current law allows recipient committees to transfer funds between candidate, issues or independent expenditure accounts and whether the various accounts and/or committees can have the same governing body.

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

²Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3) and (c)(4).)

CONCLUSION

Proposition 208, passed by the voters on November 5, 1996, imposes limits on contributions received and made by committees that make contributions or expenditures to support or oppose candidates. Proposition 208 does not prohibit an organization from forming more than one committee. However, Section 85311 states:

“All payments made by a person³ established, financed, maintained, or controlled by any business entity, labor organization, association, political party, or any other person or group of such persons shall be considered to be made by a single person.”

The Commission staff is in the process of drafting a regulation to clarify Section 85311. The regulation will be presented to the Commission for adoption later this year. In the meantime, enclosed are two advice letters which may provide some guidance in this matter. (*McCallum* Advice Letter, No. A-96-359; *Whipkey* Advice Letter, No. A-97-045.)

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

Sincerely,

Steven G. Churchwell
General Counsel

By: Carla Wardlow
Division Chief
Technical Assistance Division

Enclosures

³“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.)