



RAVI MEHTA
CHAIRMAN

FAIR POLITICAL PRACTICES COMMISSION

July 14, 1997

Gene Raper
Russo, Marsh & Raper, Inc.
770 L Street, Suite 950
Sacramento, California 95812

**Re: Your Request for Advice
Our File No. I-97-281**

Dear Mr. Raper:

This letter is a response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹ Because there is no specific governmental decision at issue, we are treating this as a request for informal assistance. Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

QUESTIONS

May a contributor contribute, prior to the primary election, funds which are the aggregate of the amount he or she could contribute for both the primary and the general elections? If so, does earmarking need to take place and what type of earmarking should occur? If this is acceptable, would it require two separate checks to be written, one for the primary limit and one for the general election limit?

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

CONCLUSIONS

A contributor may contribute, prior to the primary election, funds which are the aggregate of the amount he or she could contribute for both the primary and general elections. An officeholder may accept one check instead of two from a contributor; however, the donor must designate that the contributions are for the primary and general elections.

FACTS

Your letter requests clarification of some issues regarding contribution limits imposed by Proposition 208. Specifically, whether a donor can contribute, prior to the primary election, funds which are the aggregate of the amount he or she could contribute for both the primary and the general elections.

ANALYSIS

Section 82022 defines the term "election" to mean any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title. Therefore, the primary election counts as one election and the general election counts as a second election. (*Bové* Advice Letter, No. A-97-027.) In the *Abdelnour* Advice Letter, No. A-97-183, we concluded that a contributor may contribute, prior to the primary election, for both the primary and general elections. Therefore, a contributor may contribute prior to the primary elections funds which are the aggregate of the amount he or she could contribute to both elections.

The issue of whether a donor may contribute to a candidate for both the primary and general elections with one check was also addressed in the *Abdelnour* Advice Letter, *supra*. At the present time, an officeholder may accept one check instead of two from a contributor; however, the donor must indicate that the contribution is for both the primary and general elections. In addition, the donor should keep documentation showing his or her contributions to the primary and general elections.

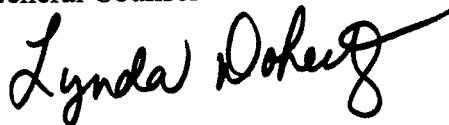
At the July Commission meeting, these issues were discussed. The Commission continued the matter to a future Commission meeting. The Commissioners appeared to favor a system in which separate checks must be written for each election. Therefore, the advice in this letter may change depending on the Commission's decision on this issue.

There will be an interested persons meeting to discuss these issues in the near future. At this time, the meeting has not yet been scheduled. Please contact our offices in the next week or two so we can inform you of the date and time of the meeting.

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Lynda Doherty
Political Reform Consultant, Legal Division

SGC:LD:jlw

**CORRECTED LETTER 8/12/97:
PAGE 2, CITATION TO BOVÉE ADVICE LETTER, NO. A-97-027**