

RAVI MEHTA  
CHAIRMAN



## FAIR POLITICAL PRACTICES COMMISSION

July 24, 1997

John Ramirez  
Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
591 Redwood Highway, #4000  
Mill Valley, California 94941

**Re: Your Request for Advice  
Our File No. I-97-342**

Dear Mr. Ramirez:

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

### QUESTION & CONCLUSION

Do contributions made in 1997 to retire debts incurred by a state candidate (e.g., Assembly, Senate, Governor, etc.) for a pre-1997 election ("pre-'97 debt") in an amount of \$100 or more, preclude that donor from making independent expenditures in support of that candidate for a 1998 election that in combination exceed the contribution limits of section 85301?

#### *Limitations on Independent Expenditure Committees*

Section 85500(c) places a limitation upon the ability of a contributor to make independent expenditures. Specifically, section 85500(c) states that:

"Any contributor that makes a contribution of one hundred dollars (\$100) or more per election to a candidate for elective office shall be considered to be acting in concert with that candidate and shall not make independent expenditures and contributions which in combination exceed the amounts set forth in Section 85301 in support of that candidate or in opposition to that candidate's opponent or opponents."

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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.

Section 85500(c) expressly places a per election limit on contributors. Hence, a contribution to a candidate, earmarked for a past election, would not disqualify that contributor from making an independent expenditure in support of that same candidate or in opposition to that candidate's opponent in a 1998 election, even if both were done on the same day. This advice is consistent with previous advice letters interpreting similar language. (See *Grindle* Advice Letter, No. I-97-050, [providing that section 85500(b) sets a limit that applies per election, rather than per election cycle].)

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

Sincerely,

Steven G. Churchwell  
General Counsel

A handwritten signature in black ink, appearing to read 'D. White', with a large, stylized flourish extending to the right.

By: Douglas White  
Graduate Assistant, Legal Division

SGC:DW:jlw