

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

July 24, 1997

Mary Bornt
Certified Public Accountant
2307 East Highway 98
Holtville, California 92250

**Re: Your Request for Advice
Our File No. I-97-346**

Dear Ms. Bornt:

This letter is a response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹ Since you are not requesting advice on behalf of a specific individual whose identity is provided, we are treating this as a request for informal assistance.²

QUESTIONS

If a candidate for a county election in June 1998 needs to expend funds now for things such as voter registration lists, etc., may he use funds from his community property checking account and not trigger the limits pertaining to contributions from a spouse contained in Section 85301? What would be the proper procedure?

CONCLUSIONS

A candidate may expend funds now for things such as voter registrations lists, etc., by using his community property checking account as long as the candidate endorses the check. If the spouse endorses the check, the amount of the check would be considered to be a contribution from the spouse to the candidate.

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

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

FACTS

You are seeking advice regarding the proper procedure for a candidate to expend funds from his community property checking account so that the limits in Section 85301 regarding contributions from a spouse are not triggered.

ANALYSIS

Section 85301(e) makes a distinction between contributions from a candidate and a spouse. This section sets forth an exception whereby contributions of a candidate's personal funds to his or her own campaign committee are not limited. However, Section 85301(e) states that a candidate's spouse is subject to the limits in Section 85301(a)-(d).

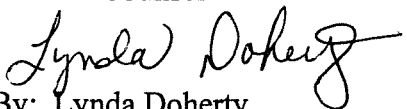
If the candidate makes a contribution to his or her campaign account from the community property account and endorses the check, the candidate is considered the contributor and Section 85301(e) applies. (Regulation 18533 (copy enclosed); *Burgess* Advice Letter, No. I-97-022.) If the spouse endorses the check from the community property account, he or she is considered the contributor for purposes of the contribution limits. The spouse may only contribute as specified in Section 85301(a) through (d).

Please note that Section 85307(c) allows a candidate to contribute to his or her campaign committee in the form of a loan provided it does not total more than \$20,000 at any one point in time. The candidate's contribution may come from community property funds. (*Burgess* Advice Letter, *supra*.) Again, if the candidate endorses the check from a community property account to contribute money to his or her campaign account, the candidate is considered the contributor (Regulation 18533).

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
Consultant, Legal Division

SGC:ld:jw

Enclosure