

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

August 12, 1997

Thomas Hanson
Chairman
40th Assembly District Republican Central Committee
Post Office Box 2220
Van Nuys, California 91404

Re: Your Request for Advice
Our File No. A-97-357

Dear Mr. Hanson:

This letter is a response to your request for advice on behalf of yourself and the 40th Assembly District Republican Central Committee regarding the provisions of the Political Reform Act (the "Act").¹

QUESTIONS

1. Is there a \$500 limit on campaign contributions to the 40th Assembly District Republican Central Committee?
2. Does that \$500 limit apply to you as chairman of the committee?
3. Does the Political Reform Act supersede or take precedence over the California Elections Code?

CONCLUSION

1. Yes. There is a \$500 limit on campaign contributions to the 40th Assembly District Republican Central Committee pursuant to Section 85301(d).

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

2. You may not give more than \$500 to the 40th Assembly District Republican Central Committee pursuant to Section 85301(d).

3. Without any specific factual context this question is impossible to address. However, please see Section 81013.

FACTS

You are chairman of and a member of the 40th Assembly District Republican Central Committee. This committee informs people in the 40th Assembly District about their government and motivates them to participate in the political process. The committee does not make contributions to individual candidates. The members of your central committee are elected by the registered members of your party who live in the district pursuant to the California Elections Code. You are also an elected member of your county central committee.

ANALYSIS

In the *Bornstein* Advice Letter, No. A-97-101, we concluded that the applicable limit on contributions to political party assembly district committees and local political clubs is the \$500 per person per calendar year limit for political committees in general.² (Section 85301(d).) Since the committee that you represent is an assembly district committee, it may accept \$500 per contributor per calendar year. While it is true that Section 85301(d) does not apply to “political party committees” and that Section 85303 grants “political party committees” a \$5,000 contribution limit rather than a \$500 limit, a political party assembly district committee is not a “political party committee” as defined by the Act.³ This \$500 limit applies to all persons and would apply to you. You may only give \$500 to the 40th Assembly District Republican Central Committee.

² You state in your letter that you do not contribute to individual candidates, but that you only partake in “educational” activities. However, the district committee efforts are clearly for the purpose of advocating partisan activities, including supporting candidates of the party. Therefore, we assume that at some point in time you have made or will make a “contribution” as defined in the Act. (See Section 82015 and Regulation 18215.) Therefore, we find *Bornstein* to be applicable to your committee. I attempted to discuss these issues with you by telephone, but we were unable to finish our discussion regarding these issues. Please be aware that if you have ever made “independent expenditures” in support of or opposing a candidate, as defined by the Act, you will be subject to a similar limit in Section 85500(b). (See Sections 82031 and 85500 and Regulations 18225.4 and 18225.7.) A regulation regarding these issues may be considered by the Commission in late 1997.

³ Section 85205 defines the term “political party committee” as “the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 of the Elections Code.”

With regard to your preemption question regarding the Political Reform Act and the Elections Code, we cannot answer this question absent a specific factual context. However, please see Section 81013 which states:

“Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.”

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
Staff Counsel, Legal Division

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