

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION
August 11, 1997

Lisa Tucker
Staton, Hughes & Shafer
530 Howard Street, Suite 250
San Francisco, California 94105

**Re: Your Request for Advice
Our File No. I-97-388**

Dear Ms. Tucker:

This letter is a response to your request for informal assistance regarding the provisions of the Political Reform Act (the "Act").¹

QUESTIONS

1. What is the expenditure ceiling for a local race if there is no local ordinance limiting expenditures? Is it \$1 per resident?
2. If there is no local ordinance establishing expenditure limits is the candidate required to accept contributions at the lower limits of \$100 in districts with fewer than 100,000 residents and \$250 in districts of 100,000 resident or more?

CONCLUSIONS

1. If there is no local ordinance establishing expenditure limits, no voluntary expenditure limits are automatically imposed by the Act.
2. If a local jurisdiction has not established voluntary expenditure limits, individual candidates may not avail themselves of the higher contribution limits pursuant to Section 85402. Section 85301 provides that no person may make to any candidate for local office in districts with fewer than 100,000 residents, and no candidate may accept from any person, contributions totaling more than \$100 for each election. In districts of 100,000 residents or more, the contribution limit is \$250 per person per election.

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations. Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

FACTS

You request further clarification of our advice regarding the campaign expenditure ceiling for candidates running for municipal court judge (*Tucker* Advice Letter, No. I-97-310).

ANALYSIS

Section 85400 imposes voluntary expenditure ceilings for Assembly, Senate, Board of Equalization, and statewide candidates. However, it does not impose voluntary expenditure ceilings on other candidates. Section 85400(c) merely allows any local jurisdiction, municipality, or county the "option" of imposing voluntary expenditure ceilings:

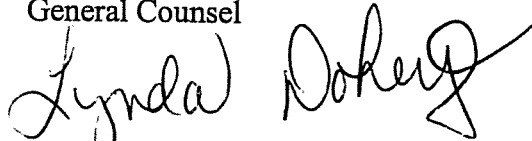
"(c) Any local jurisdiction, municipality, or county may establish voluntary expenditure ceilings for candidates and controlled committees of such candidates for elective office not to exceed one dollar (\$1) per resident for each election in the district in which the candidate is seeking elective office. Voluntary expenditure ceilings may be set at lower levels by the local governing body."

If a local jurisdiction does not adopt voluntary expenditure ceilings, then individual candidates cannot take advantage of the higher contribution limits in Section 85402. If the local jurisdiction has no voluntary expenditure ceilings, then the contribution limits of Section 85301 apply. (*Waldron* Advice Letter, No. A-97-184; *Dowling* Advice Letter, No. A-97-073.) Contributions in local races in districts with fewer than 100,000 residents are limited to \$100 and contributions in local races in districts of 100,000 residents or more are limited to \$250. (Sections 85301(a) and (b).)

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

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