



## FAIR POLITICAL PRACTICES COMMISSION

December 16, 1997

David Kenney  
Karns & Karabian  
Suite 530  
Omni Centre  
900 Wilshire Boulevard  
Los Angeles, California 90017-4706

**Re: Your Request for Advice  
Our File No. A-97-457**

Dear Mr. Kenney:

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

### QUESTION

Does the Montebello Unified School District's voluntary campaign expenditure ceilings comply with the requirements of Proposition 208?

### CONCLUSION

Yes, the voluntary expenditure ceilings comply with Section 85400(c) and Proposition 208 generally.

### FACTS

The Montebello Unified School District ("District") established a voluntary campaign expenditure ceiling. The amount is \$1 per resident.

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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.

## ANALYSIS

Section 85400(c) provides:

“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.”

The district has set its voluntary expenditure ceiling at \$1 per resident. This is consistent with Section 85400(c). In addition, the district has complied with Sections 85601 and 85602 which provide incentives for those who have accepted voluntary expenditure ceilings. We do have some comments that may be helpful to you to ensure candidates comply with other requirements of Proposition 208.

First, candidates should always reference their local provisions and the Act in its entirety in order to determine their obligations and rights under the law.<sup>2</sup> Second, candidates in the district still have an obligation to file a Form 500 with the Commission stating their decision to accept or reject the voluntary expenditure ceilings before accepting any contributions and to provide a copy to the local filing officers and candidates running for election for the same office. (Section 85401; *Powell* Advice Letter, No. A-97-419.) Form 500 is the applicable form on which each candidate must indicate acceptance or rejection of the voluntary spending limits. (Regulation 18541, copy enclosed.) The fact that the district requires candidates to file a statement with the district clerk does not relieve a candidate of his or her filing obligations under Section 85401 and Regulation 18541. (*Groom* Advice Letter, No. A-97-499.) In addition, it is unclear whether you instruct the candidates to file an original statement or a copy.

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<sup>2</sup> The district ordinance is silent on a number of issues regarding voluntary expenditure ceilings. For example, the trigger and reporting provisions of Section 85404 are not mentioned.

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 "Marte Castaños", with a long horizontal flourish extending to the right.

By: Marte Castaños  
Staff Counsel, Legal Division

SGC:MC;jlw