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FAIR POLITICAL PRACTICES COMMISSION

September 23, 1997

Michael J. Crilly
Superintendent
Jefferson Union High School District
699 Serramonte Boulevard, Suite 100
Daly City, California 94015

**Re: Your Request for Advice
Our File No. A-97-460**

Dear Mr. Crilly:

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

QUESTION

Do the contribution limits set forth in section 85402 apply to school board candidates who have accepted the spending limit established by the governing board of the Jefferson Union High School District?

CONCLUSION

Yes, the contribution limits set forth in section 85402 apply to school board candidates who have accepted the spending limits established by the governing board of the Jefferson Union High School District. The appropriate filing officer for statements of acceptance or rejection of the voluntary spending limit is the Commission, not the county clerk.

FACTS

During its regular meeting of August 20, 1997, the Jefferson Union High School District Board of Trustees adopted Resolution No. 1997-98/2 regarding campaign contribution limits and

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

voluntary expenditure limits. The board decided to place a limit on campaign expenditures at \$.25 per resident.

ANALYSIS

Proposition 208 establishes voluntary spending limits for candidates running for legislative and statewide office. (Section 85400.) Proposition 208 permits local jurisdictions to establish local voluntary spending limits. Specifically, section 85400(c) provides that:

“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.”

A school district is considered a “local jurisdiction” for purposes of section 85400(c). (*Cias* Advice Letter, No. I-97-215.) Therefore, the school board may establish voluntary spending limits for school board candidates as long as the limits do not exceed \$1 per resident.² The governing board for the Jefferson Union High School District placed voluntary spending limits of \$.25 per resident on candidates for the school board. These limits comply with section 85400(c).³

You would like to know whether the contribution limits set forth in section 85402 apply to school board candidates who accept the new voluntary spending limit. Section 85402 establishes contribution limits for candidates who accept “expenditure ceilings set by local ordinance pursuant to subdivision (c) of section 85400.” (Section 85402 (a),(b).) Moreover, section 85401(a) provides that candidates who agree to local voluntary spending limits established pursuant to section 85400 are subject to the contribution limitations in section 85402. Accordingly, school board candidates may accept the higher contribution limits set forth in section 85402 if they agree to the voluntary spending limit established by the governing board of the Jefferson Union High School District.

Paragraph 3 of the resolution provides that each school board candidate must file a written statement of acceptance or rejection of the voluntary spending limit with the city’s Elections Division of the Assessor-County Clerk-Recorder before accepting any contributions.

² Please note that we do not advise as to whether the school board has the authority to set voluntary spending limits for school board candidates. (*Sanchez* Advice Letter, No. A-97-364, copy enclosed.)

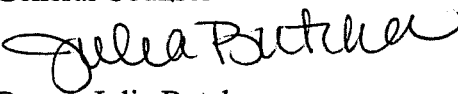
³ Please also note that we do not determine the number of residents who live in the Jefferson Union High School District.

However, Form 500 (copy enclosed) is the applicable form on which a candidate must indicate acceptance or rejection of voluntary expenditure ceilings. Furthermore, the appropriate filing officer for this form is this Commission. (Regulation 18541, copy enclosed.)

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Julia Butcher
Graduate Legal Assistant, Legal Division

SGC:JB:jlw

Enclosures