



FAIR POLITICAL PRACTICES COMMISSION

November 26, 1997

David Blakely
Post Office Box 909
Santa Margarita, California 93453

**Re: Your Request for Informal Assistance
Our File No. I-97-541**

Dear Mr. Blakely:

This letter is in response to your request for informal assistance regarding the provisions of the Political Reform Act (the "Act").¹ Since your letter does not refer to specific persons or events, only general questions, your letter is considered a request for informal assistance. Informal assistance does not confer the immunity provided under Section 83114. (See Regulation 18329(c).)

QUESTIONS

- 1. For supervisorial elections, do the Proposition 208 spending limit requirements apply to the number of residents for each district or for the county as a whole?*
- 2. Who is considered a "lobbyist" under Proposition 208?*

FACTS

You are working with the League of Women Voters in your area. You are attempting to develop a local model ordinance for cities in San Luis Obispo County and the County of San Luis Obispo, which would reinforce many of the aspects of Proposition 208 and add some additional requirements. You have provided that the County of San Luis Obispo has approximately 250,000 residents. Additionally, you have provided that there are five supervisorial districts in the county comprised of approximately 50,000 residents each.

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

ANSWERS

1. For supervisorial elections, Proposition 208 spending limit requirements apply to the number of residents for each district. Section 85400 provides for voluntary expenditure ceilings under the Act. Section 85400 provides:

“(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 office. *Voluntary expenditure ceilings may be set at lower levels by the local governing body.*” (Emphasis added.) (Copy enclosed.)

The spending limit is calculated based on the number of residents in the district which the candidate is seeking office. Thus, if the supervisors in San Luis Obispo County were elected “at large,”² the spending limit would be calculated using the number of residents in the county as a whole. If the supervisors are elected by district, the spending limit would be calculated by determining the number of residents in each district. The Commission has not adopted any regulation specifically addressing how the number of residents in a district is calculated. We have advised that a local jurisdiction may utilize the most recently available census and other reliable data to determine the amount of residents in a district. (*Dowden* Advice Letter, A-97-295.)

2. Section 82039 which was amended by Proposition 208 provides the definition of a “lobbyist” under the Act. Section 82309 provides:

“Lobbyist means any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expense, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action. No individual is a lobbyist by reason of activities described in Section 86300.”

In addition, Regulation 18239 (copy enclosed) further defines the term “lobbyist.”

² The term “at large” is used to describe an election whereby the candidate(s) are elected by the entire population of a municipality (i.e., city councilmembers in many cities are elected by the entire population of a city). (*Dowling* Advice Letter, A-97-073.)

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 'Alisa Fong', with a stylized flourish at the end.

By: Alisa Fong
Graduate Assistant, Legal Division

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