



## FAIR POLITICAL PRACTICES COMMISSION

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March 8, 2000

Stephen J. Kaufman  
Smith Kaufman LLP  
601 S. Figueroa Street, 41st Floor  
Los Angeles, California 90017-5758

**Re: Your Request for Advice  
Our File No. A-00-040**

Dear Mr. Kaufman:

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

### QUESTIONS

1. After a special runoff election has taken place, may runoff candidate Nell Soto solicit and accept contributions from persons who did not previously contribute the maximum contribution amounts allowed for either the "special election cycle" (primary) or the "special runoff cycle" in order to pay existing campaign debt of the candidate controlled committee Soto for Senate?
2. Does the fact that a candidate was ultimately unsuccessful in a special runoff election change the determination that the candidate can continue to solicit and accept contributions to pay existing campaign debt of his or her candidate controlled committee?
3. Does the Act impose any limitations on the amount of time during which a candidate controlled committee can continue to receive contributions?

### CONCLUSIONS

1. Yes. After the special runoff election, Nell Soto may continue to solicit and accept contributions for the Soto for Senate committee from persons who did not previously contribute the maximum contribution amounts allowed by the Act as long as such

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<sup>1</sup> Government Code sections 81000 - 91015. Commission regulations appear at title 2, sections 18109 - 18996, of the California Code of Regulations.

contributions do not exceed contribution limits and are reported in accordance with the Act's reporting requirements.

2. No. Regardless of winning or losing the special runoff election, a candidate may continue to solicit and accept contributions after the election from persons who did not previously contribute the maximum contribution amounts allowed by the Act as long as the conditions specified in Conclusion #1 are met.
3. No. The Act does not impose any limitations on the amount of time during which a candidate controlled committee can continue to receive contributions. However, the candidate and the candidate controlled committee must comply with the Act's contribution limits and reporting requirements.

### FACTS

The Soto for Senate committee is controlled by Assemblymember Nell Soto. Soto for Senate has been organized to receive and expend funds in connection with the special election to fill the 32nd District State Senate seat recently vacated by now-Congressman Joe Baca. After a primary for the special election in which no candidate received a majority of the votes on January 11, 2000, Assemblymember Soto qualified for the runoff scheduled for March 7, 2000.

### ANALYSIS

Section 85305(c)(1) of the Act provides:

“No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by the candidate, to exceed one thousand dollars (\$1,000) during any special election cycle or special runoff election cycle.”

“Special election cycle” means the day on which the office becomes vacant until the day of the special election. (Section 85305(b)(1).) “Special runoff election cycle” means the day after the special election until the day of the special election runoff. (Section 85305(b)(2).)

To clarify this contribution rule applicable after a special election, the Commission has adopted Regulation 18535 which allows a special election committee to continue to receive contributions as long as such contributions do not exceed the contributions limits. (*Vagim* Advice Letter, No. A-93-281.) Specifically, Regulation 18535(d) provides that following the date of the special election or special runoff election, a candidate for that special election or special runoff election may solicit and accept contributions for the special election committee

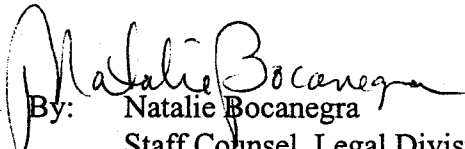
subject to the limitations set forth in Section 85305. In the *Bell* Advice Letter, No. A-93-234, we stated that a candidate who successfully ran in both the special election and the special runoff election could accept a \$2,000 contribution after the special runoff election from an individual who did not previously contribute during either election cycle. Therefore, the Act permits Nell Soto to accept an aggregate amount of \$2,000 from an individual in the same manner on behalf of the Soto for Senate committee. Contributions from individuals who have previously contributed must conform to the limits provided by Section 85305. The rule provided by this Section and Regulation 18535(d) applies to all candidates who qualify for the runoff election, regardless of the outcome of the runoff. This means that a candidate who loses the runoff election may continue to solicit and accept contributions just as a successful runoff candidate may under Regulation 18535(d). Consequently, even if Nell Soto is unsuccessful in her bid for Senate, the Soto for Senate committee may continue to receive such contributions for the purpose of retiring existing campaign debt.

Additionally, the Act does not impose any limitations on the amount of time during which a candidate controlled committee can continue to receive contributions. As long as the Soto for Senate committee complies with the contribution limits and reporting requirements of the Act, this committee may continue to accept contributions.

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

Sincerely,

Luisa Menchaca  
Assistant General Counsel

  
By: Natalie Bocanegra  
Staff Counsel, Legal Division

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