



## FAIR POLITICAL PRACTICES COMMISSION

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March 9, 2000

John Latta  
Vice President  
Orange County Professional Firefighters Association  
15941 Red Hill Avenue, Suite 210  
Tustin, California 92780-7319

**Re: Your Request for Advice  
Our File No. G-00-042**

Dear Mr. Latta:

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

### QUESTION

Do union members not wishing to contribute a portion of their dues to a union PAC have a right under California law to prevent such payments? Are members entitled to a refund of dues designated for the PAC, or may those funds be donated by the union to a charity? If charitable donations are permissible, must the recipient be a tax exempt organization under Section 501(c) of the Internal Revenue Code, or is the Fallen Firefighter Relief Fund an acceptable alternative?

### CONCLUSION

The FPPC cannot offer advice on when and how a union may expend dues paid by members who do not wish to contribute to the union's political action committee.

### FACTS

The Orange County Professional Firefighters Association, IAFF Local 3631, is a local union of approximately 700 professional firefighters. You are the vice president of the local and

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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.

the registered chairman of the political action committee ("PAC"). You currently have a 99 percent voluntary enrollment in the local, from which you collect monthly dues. You designate for the PAC \$10 per month from each member's dues. The members chose this contribution level by a vote in 1998. Recently, you received a request from two members who wish to retain their membership in the local, but who also wish to exercise a right to not contribute to the PAC.

You are having difficulty determining the best course of action and determining which, if any, rules apply. Your state affiliate suggested that the members had already made the decision to belong to the PAC when they did not quit the local during the open period (December 1999). Another source felt that you should refund only the PAC portion of their dues (\$10 per month). A third source suggested that these members be allowed to choose a charitable organization to which the union would send \$10 per month in the name of the member.

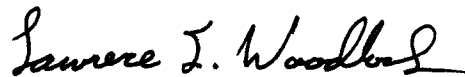
### ANALYSIS

The FPPC was created by the Political Reform Act to administer and interpret its provisions. (Sections 83100-83123; Regulations 18306-18370.) The FPPC has neither the authority nor the expertise to administer or interpret any other body of state or federal law. Although the Act prescribes the reporting obligations of persons who contribute to political action committees ("PACs"), your questions relate to rights and obligations under a collective bargaining agreement, as qualified by state and federal law governing the terms of such agreements. The FPPC cannot advise you on when and how a union may expend dues paid by members who do not wish to contribute to PACs.

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

Sincerely,

Luisa Menchaca  
Assistant General Counsel



By: Lawrence T. Woodlock  
Staff Counsel, Legal Division

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