



FAIR POLITICAL PRACTICES COMMISSION

P.O. Box 807 • 428 J Street • Sacramento, CA 95812-0807

(916) 322-5660 • Fax (916) 322-0886

October 3, 2001

C. April Boling, CPA
7185 Navajo Road, Suite L
San Diego, CA 92119

**Re: Your Request for Advice
Our File No. A-01-136**

Dear Ms. Boling:

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

QUESTION

May Mr. Stein amend his candidate statement of intention to accept the voluntary expenditure limits for the March 2002 primary election?

CONCLUSION

No. Under Section 85401(a) of the Act, Mr. Stein must either accept or reject the voluntary expenditure limits at the time he files his statement of intention.

FACTS

On April 21, 2001, Gregory Stein, a candidate for State Assembly completed Form 501, the Candidate Intention Statement, and in error did not accept the voluntary expenditure ceiling. He loaned his committee \$1,000 in order to open a bank account. He has raised no other money, accepted no contributions and has made no expenditures.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

ANALYSIS

Section 85401 of the Act describes the manner in which a candidate for state elective office shall accept the voluntary expenditure limits of Section 84500. Specifically subdivision (a) of this section provides:

“(a) Each candidate for elective state office shall file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 85400 at the time he or she files the statement of intention specified in Section 85200.”

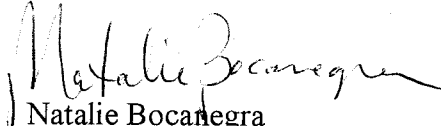
Under this provision, it is clear that Mr. Stein must have accepted the voluntary expenditure limits at the time he filed his statement of intention. Therefore, he is not permitted to amend that statement of intention to now accept the voluntary expenditure limits for the March 2002 primary election. However, if he later wishes to accept the voluntary expenditure limits applicable to the 2002 general election, he may do so within 14 days following the 2002 primary election provided he does not exceed the limits in the primary. (Section 85401(b).) The revised Form 501, enclosed for your convenience, was approved by the Commission at its June 8, 2001 meeting and explains this process.

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

Sincerely,

Luisa Menchaca
General Counsel

By:


Natalie Bocanegra

Staff Counsel, Legal Division

Enclosure

NB:jg

I:\AdviceLtrs\01-136