



FAIR POLITICAL PRACTICES COMMISSION

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February 11, 2002

Trent J. Benedetti, CPA
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Santa Maria, CA 93456-5958

**Re: Your Request for Advice
Our File No. A-01-222**

Dear Mr. Benedetti:

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

QUESTIONS

1. Must a candidate file an amended Form 410 if the candidate's Senate district number changes as a result of redistricting?
2. Are separate existing campaign accounts, one for an Assembly and one for a Senate race, to be maintained?
3. Must one amend the Form 501, Statement of Intention, if the candidate's Senate district number changes as a result of redistricting?
4. Must a candidate for an Assembly seat amend his campaign forms if he or she decides to campaign for the same seat but in a different election?

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

CONCLUSIONS

See analysis and conclusions below.

FACTS

The current Assembly member for the 33rd District, Abel Maldonado, has filed to run for Senate District 18 in 2002. This was his geographical seat before redistricting. Your client, the Assembly member, has received contributions and expenditures for this campaign. Now the 18th Senate District has changed boundaries and Assemblyman Maldonado is in the 15th Senate District. Your client is essentially running two campaigns – re-election to the 33rd Assembly District and election in 2004 in the 15th Senate District.

Also, another client, Sam Blakeslee, has filed to run for the 33rd Assembly District in 2002 and has a bank account with contribution and expenditure activity. If the above Assembly member stays on until 2004, Mr. Blakeslee will put off his Assembly campaign until 2004, as well. You ask what forms/amendments he would need to file in this situation.

ANALYSIS/CONCLUSIONS

Question #1: Do you file an amended Form 410 to reflect the 15th Senate District and the 2004 election date?

The Form 410, or Statement of Organization, is required to be filed by every committee under section 82013 within 10 days of becoming a committee. (§ 84101.) Among the information required on the statement is identification of the elective office sought. Whenever there is a change in any of the information required to be disclosed, the filer must file an amended Form 410, reflecting the given change. (§ 84103.) Thus, the Form 410 must be amended to reflect change from the 18th to the 15th Senate District.

Question #2: Must separate bank accounts be kept for the Assembly and Senate campaigns?

Your client currently is the Assembly member for the 33rd Assembly District, and has filed to run for the Senate seat in the now-15th Senate District. Upon filing a statement of intention to run for a given office, a candidate must establish a single bank account for all campaign activities related to that office. (§ 85201.) A candidate must establish a separate controlled committee for each specific office for which a statement of intention is filed. (Reg. 18521.) Accordingly, separate bank accounts must be kept for the Assembly and Senate campaigns.

Question #3: Must an amended Form 501 be filed?

A candidate must file a Statement of Intention (Form 501) prior to soliciting or receiving contributions or loans. (§ 85200.) This statement, among other things, indicates the office which is being sought. Because your client now is a candidate for the 15th Senate District, an amended Form 501 must be filed to reflect this fact. (Reg. 18427, subd. (b).) A district number change due to reapportionment does not change the office sought by the candidate for purposes of section 85200. (*Lockyer* Advice Letter, A-89-074.) Thus, under these unique facts any funds deposited in the campaign account may be used for the candidate's campaign for the new district and no restrictions or new reporting requirements are imposed upon the candidate. (*Id.*)²

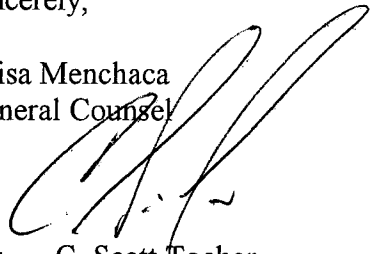
Question #4: What amendments must Mr. Blakeslee file?

In your question, you pose the scenario that the current Assembly officeholder stays in office until 2004. In that event, you ask, what must be done with Mr. Blakeslee's bank account and other forms if he decides to run not for the 2002 Assembly seat, but for the 2004 Assembly race instead. Mr. Blakeslee may file an amended Form 410 and Form 501 to reflect that he is now a candidate for the 33rd Assembly District seat in 2004. (§§ 84103 and 85200; Reg. 18427, subd. (b).)

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

Sincerely,

Luisa Menchaca
General Counsel


By: C. Scott Tocher
Counsel, Legal Division

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² The Commission is currently considering regulations concerning carryover of funds and redesignation that may impact this analysis in the future.