



FAIR POLITICAL PRACTICES COMMISSION

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January 3, 2002

Mike Voorhees, Treasurer
Friends of Sheriff Jim Piccinini
Post Office Box 9418
Santa Rosa, CA 95405

**Re: Your Request for Advice
Our File No. A-01-246**

Dear Mr. Voorhees:

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

QUESTION

May Sheriff Piccinini contribute funds from his candidate controlled committee to the campaign of a candidate for Sonoma County Sheriff?

CONCLUSION

Yes. Because the expenditure is reasonably related to a political, legislative or governmental purpose, the contribution may be made out of campaign funds.

FACTS

Sheriff Jim Piccinini requests advice as to whether there is a provision of the Political Reform Act which precludes him from making a contribution to the Committee to Elect Bill Cogbill Sheriff, under the following circumstances:

1. The contribution would be made while the sheriff continues in office and prior to the March 2002 primary election;
2. The contribution would be made from the sheriff's candidate controlled committee, Friends of Sheriff Jim Piccinini;

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

3. The amount of the contribution would be equal to or less than the maximum amount allowed by Sonoma County Ordinance 5231 (\$1,000), taking into account the aggregation requirements of the ordinance in section 2-306(b)(1) as may be applied to earlier contributions from the sheriff's personal funds.

ANALYSIS

Section 89512 controls the use of campaign funds associated with holding office. As Sheriff Piccinini is currently in office, this section is applicable to his contribution of campaign funds to the Committee to Elect Bill Cogbill Sheriff. Section 89512 provides:

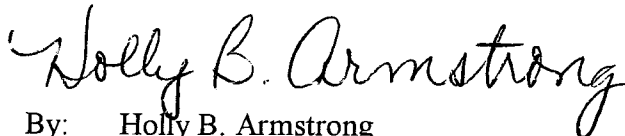
“An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.”

Therefore, campaign funds may be used to make contributions to other candidates so long as the expenditure is reasonably related to a political, legislative or governmental purpose. (See e.g. *Bell* Advice Letter, No. I-92-081.)²

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

Sincerely,

Luisa Menchaca
General Counsel



By: Holly B. Armstrong
Staff Counsel, Legal Division

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² Note that Proposition 34 added new section 85305 to the Act, which imposes a new restriction on the transfer of campaign funds to other candidates. However, this section applies only to candidates for elective state office.