



## FAIR POLITICAL PRACTICES COMMISSION

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August 6, 2002

Leslie Cook, CMC  
City Clerk  
City of Santa Cruz  
809 Center Street, Room 9  
Santa Cruz, CA 95060

**Re: Your Request for Informal Assistance  
Our File No. I-02-061**

Dear Ms Cook:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").<sup>1</sup> Since your request is general in nature and does not seek advice regarding a specific public official, we are treating your request as one for informal assistance.<sup>2</sup>

On August 17, 2001, John G. Barisone, Santa Cruz City Attorney, requested written advice from the Commission regarding the legality of proposed revisions to your city's campaign ordinance. (*Barisone* Advice Letter, No. I-01-201.) Presently, you are requesting that the Commission render another advice letter on the same issue after we review additional revisions made to your city's ordinance.

We provide the following comments on the additional proposed revisions to the ordinance:

Section 2.10.030 provides certain benefits and incentives for accepting the contribution limit and voluntary expenditure option. New language was included in

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

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code section 83114; 2 Cal. Code of Regs. Section 18329(c)(3), copy enclosed.)

subsections (6)(B)(3) and (4). This new language does not conflict with the provisions of the Act.

Upon a second review of your ordinance, we affirm our advice provided to you in our previous letter with the exception of asking you to replace all references to "the Political Reform Act of 2001" with "the Political Reform Act of 1974, as amended in 2001." In an effort to keep your ordinance current with any future amendments to the Political Reform Act, we suggest replacing all references to the Political Reform Act with "the Political Reform Act, as amended" or more simply, "the Political Reform Act."

In addition, while not required due to conflicts with the Act, we offer the following *suggestions* with regard to some provisions of your ordinance:

Section 2.10.030(a)(3) currently reads, in part, "... (without regard to whether or not the candidate intends to make campaign expenditures in the minimum amount called for by Political Reform Act of 1974, as amended in 2001, Chapter 4, Campaign Disclosure);" We suggest replacement with "... (without regard to whether or not the candidate intends to make campaign expenditures in the minimum amount called for by the Political Reform Act of 1974, subdivision (a) of section 82013)." This section specifies the minimum amount for qualification of a recipient committee.

Section 2.10.030(a)(6) might be better understood if written as follows: "on behalf of the candidate or candidate's controlled committee, agrees to accept the following conditions with respect to business and labor union contributions:"

Because the Commission is required to maintain current copies of all local campaign ordinances, we would appreciate your forwarding a copy of your amended ordinance once adopted. If you have any questions regarding this letter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
General Counsel



By: Trish Mayer  
Political Reform Consultant