



FAIR POLITICAL PRACTICES COMMISSION

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January 24, 2003

Laurence S. Zakson
Reich, Adell, Crost & Cvitan
501 Shatto Place, Suite 100
Los Angeles, CA 90020-1792

**Re: Your Request for Advice
Our File No. A-02-355**

Dear Mr. Zakson:

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

QUESTIONS

1. May Mr. Forgy file his form 501 without indicating whether he accepts or rejects the voluntary expenditure limit?
2. If Mr. Forgy accepts or rejects the voluntary expenditure limit, may he later change his determination?

CONCLUSION

1. No. A candidate for elective state office must accept or reject the voluntary expenditure limits at the time he or she files the form 501.
2. Mr. Forgy may change his determination only if he rejects the spending limits but does not exceed the limits in the primary election. In that event, he may accept the limits for the general election by amending his form 501 within 14 days after the primary election.

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

FACTS

John Forgy is a registered voter in the 55th Assembly District who intends to run for the Democratic nomination in the 2006 election.

ANALYSIS

Prior to soliciting or receiving any contribution or loan, a person who intends to be a candidate must file a statement of intention. (§ 85200.) Section 85400 specifies voluntary expenditure limits for Assembly candidates. A candidate for Assembly must file a statement of acceptance or rejection of the voluntary expenditure limits set forth in § 85400 at the time he or she files the statement of intention required by § 85200. (§ 85401(a).)

The prescribed form for filing a statement of intention pursuant to § 85200 (form 501) includes a section for use by a candidate for elective state office to indicate acceptance or rejection of the voluntary expenditure limits. Mr. Forgy must complete this section and indicate acceptance or rejection of the limits at the time he files the form 501 in order to comply with § 85401.

A candidate for state elective office may change the determination regarding voluntary spending limits only if the candidate declines to accept the limits at the time of filing the form 501 but does not exceed the limits for the primary, special primary, or special election. In those circumstances, the candidate may file a statement of acceptance of the limits for a general or special runoff election within 14 days following the primary, special primary, or special election. (§ 85401(b).)

Mr. Forgy may change his determination regarding expenditure limits only if he declines to accept the limits at the time he files his form 501, and does not exceed the limits for the primary election. He may then file an amended form 501 accepting the limits for the general election. There is no other provision allowing a candidate to amend the form 501 to change his or her designation with regard to the voluntary expenditure limits. (*Daniels-Meade* Advice Letter, No. A-01-285; *Boling* Advice Letter, No. A-01-136.)

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

Sincerely,

Luisa Menchaca
General Counsel



By: Hal Dasinger
Political Reform Consultant