



FAIR POLITICAL PRACTICES COMMISSION

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March 13, 2003

Alan Seman
19 Estrella Drive
Rancho Mirage, CA 92270

**Re: Your Request for Advice
Our File No. A-03-041**

Dear Mr. Seman:

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

QUESTION

May you contribute funds from your candidate controlled committee established for your current term of office to other city council candidates?

CONCLUSION

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

FACTS

You seek clarification (see *Seman* Advice Letter No. A-02-330) as to whether you may re-open the Committee to Re-Elect Alan Seman with a deposit recently received for your April 2002 election, and use those funds to make a contribution for another council seat in the City of Rancho Mirage.

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

ANALYSIS

Section 89512 controls the use of campaign funds associated with holding office. Since you are currently in office, this section is applicable to your use of campaign funds. 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.”

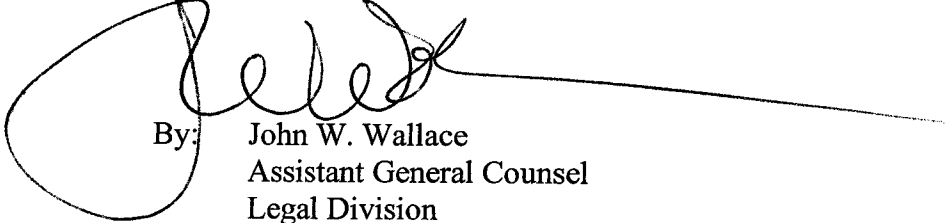
Therefore, campaign funds may be used to make contributions to other candidates so long as the expenditure is reasonably related to a political, legislative or governmental purpose. (See e.g., *Bell* Advice Letter, No. I-92- 081.)²

Please note, however, that surplus campaign funds are subject to greater restrictions set forth in section 89519. Section 89519(a) states that a candidate's campaign funds are considered surplus funds when the candidate leaves elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last. Section 89519 provides that surplus campaign funds may be used only for those purposes specifically listed in section 89519. Section 89519 does not provide that campaign funds may be used to make contributions to other California candidates.

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

Sincerely,

Luisa Menchaca
General Counsel

By:  John W. Wallace
Assistant General Counsel
Legal Division

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.