



FAIR POLITICAL PRACTICES COMMISSION

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December 10, 2004

Thomas S. Bunn III
Lagerlof, Senecal, Bradley,
Gosney & Kruse, LLP
301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108

Re: Your Request for Informal Assistance
Our File No. I-04-231

Dear Mr. Bunn:

This letter is in response to your request on behalf of the Newhall County Water District (the "District") for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹ Since your request seeks general guidance, we are treating your request as one for informal assistance.²

You have asked if the District may adopt limits on campaign contributions and mandatory or voluntary expenditure limits for elections to the District's Board of Directors.³ Section 81013 states that "[n]othing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail." In addressing this issue, the Commission, in 1979, stated "[s]ection 81013 makes clear that the Political Reform Act is not intended to so occupy the field it regulates that state and local government agencies are powerless to enact additional requirements." (*In re Alperin* (1977) 3 FPPC Ops. 77.)

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

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; regulation 18329(c)(3) copy enclosed.)

³ Our assistance in this matter is limited to issues of potential conflict with the Political Reform Act. Certain constitutional issues may arise with respect to the validity of a local ordinance, which are not addressed herein. It is not within our authority to provide advice with respect to issues that do not fall within the purview of the Political Reform Act.

In 2001, the Commission again addressed the issue of conflicting statutes and ordinances. Citing section 81013, the Commission found that “[s]tate law governing campaign finances provides some deference to local governments to regulate within the subject matter of the Act.” (*In re Pelham* (2001) 15 FPPC Ops. 1.) The Commission further added that Proposition 34, adopted in the November 2000 statewide general election, additionally “... speaks to the propriety of local regulation of subject matter within the purview of the Act, declaring:

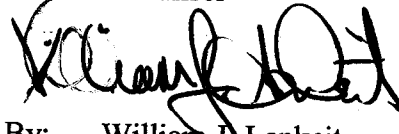
‘Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with the provisions of Section 85312.’” (*Pelham, supra*).

Accordingly, a local jurisdiction may establish its own campaign contribution and *voluntary* expenditure limitations provided those limitations do not conflict with the provisions of the Act. The Act’s campaign contribution and voluntary expenditure limits are found in Chapter 5, Article 1, commencing with section 85100. (Copy enclosed.)

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

Sincerely,

Luisa Menchaca
General Counsel



By: William J. Lenkeit
Counsel, Legal Division

Enclosure

WJL:jg

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