



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

May 15, 2026

Gurkamal Basra
BAINS CPA INC
5200 North Palm Avenue, Suite 203
Fresno, CA 93704

**Re: Your Request for Advice
Our File No. A-26-026**

Dear Mr. Basra:

This letter responds to your request for advice on behalf of Fresno County judicial candidates Miles Harris, Eddie Ruiz, Steven Ueltzen, Rosalina Nunez, and Jamie Xiong-Vang regarding the campaign finance provisions of the Political Reform Act (the “Act”).¹

Please note we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Under the Act, is a candidate for Fresno County (“County”) Superior Court Judge a candidate for “elective state office” subject to the contribution limits set forth in Section 85103(a) or a candidate in a jurisdiction that is subject to the Section 85103(a) state default contribution limit under Section 85301(d)?

CONCLUSION

No. A candidate for County Superior Court Judge is not a “candidate for an elective state office” for purposes of the campaign contribution limits set forth in Section 85301(a). Nor do the “default” limits imposed by Section 85301(d) apply to a judicial candidate.

Your request additionally asked whether the County Campaign contribution limits apply to candidates for County Superior Court Judge. However, we can offer no further opinion as to the application of the County Ordinance to the County’s Superior Court judicial candidates at this time. We recommend you inquire with the County as to the application of its Ordinance.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FACTS AS PRESENTED BY REQUESTER

You are a Certified Public Accountant with the BAINS CPA, Inc firm, and work on behalf of several 2026 Superior Court judicial candidates in the County. These candidates are Miles Harris, Eddie Ruiz, Steven Ueltzen, Rosalina Nunez, and Jamie Xiong-Vang. You request formal guidance regarding the applicable campaign contribution limits for these candidates. Your firm is currently attempting to determine whether the Fresno County local campaign contribution ordinance (“Ordinance”) applies to candidates for Superior Court Judge. The Ordinance states that it “applies to county elected officers, candidates for county officers, their controlled committees and committees formed or existing primarily to support or oppose candidates for county offices.” Additionally, the Ordinance states, “No person shall contribute an amount greater than thirty thousand dollars to any candidate for any county of Fresno elective office per election.”²

Your firm understands that Superior Court judges are generally considered “state officers” under California law and therefore request confirmation as to how judicial candidates are treated under the Act and whether the Act’s treatment affects the applicability of the Ordinance. If judicial candidates are considered “state officers,” you request clarification regarding which contribution limits, if any, would apply to a Fresno County Superior Court judicial race—specifically whether the applicable limit would be \$5,900 (the default state amount), \$30,000 (the limit for candidates for county elections under the County’s Ordinance), or if neither applies and there is no contribution limit.

ANALYSIS

The Unique Status of Judicial Candidates for Elective Office under the Act

Judicial candidates and judges have a unique category under the Act due to their membership in the judicial branch of government. It is helpful in understanding this unique category to recognize that judges are subject to particular rules of conduct related to their duties under 170 et. seq., of the Code of Civil Procedures (“CCP”) and the California Code of Judicial Ethics, which was adopted by the Supreme Court in 1996. (See Cal.Const., art.VI Section18(m).)

As a result, judges are expressly excluded from certain definitions contained in the Act that commonly apply to the executive or legislative branches. A judge, for example, is not a “public official” under the Act. Section 82048 defines a public official to include “every member, officer, employee, or consultant of a state or local government agency,” but it excludes “[a] judge or court commissioner in the judicial branch of government.” (Section 82048(b)(1).)

² (https://www.fppc.ca.gov/siteassets/documents/tad/ordinances/counties/r_fresno_county.pdf) .

The judicial branch is also excluded from the definition of “agency” for purposes of Section 84308’s “Pay to Play” prohibitions.³

When the Act’s requirements apply to judges, they are expressly included. For example, for the Act’s disclosure of economic interest requirements⁴ Section 87200 specifically lists “judges and commissioners of courts of the judicial branch of government” as an office subject to the requirements, and thus every candidate or person who is elected, appointed or nominated for a judicial office must file a Statement of Economic Interests (“SEI”).⁵ And while the honorarium prohibitions and gift limitations found in Section 89502 and 89503, broadly apply to “an elected state officer, elected office of a local government agency or other individual specified in Section 87200,” these provisions expressly exclude judges, stating, “[t]his section does not apply to a person in the *person’s capacity as judge*.” (Section 89502(a) and (d) [honorarium]; Section 89503(a) and (d)[gift limits], emphasis added.⁶

However, both the honorarium ban and the gift limit expressly apply to a *candidate for judicial office*, as stated in Sections 89502(b)(1):⁷

A candidate for elective state office, for judicial office, or for elective office in a local government agency shall not accept any honorarium.

And: as stated in 89503(b)(1)(emphasis added):

A candidate for elective state office, for judicial office, or for elective office in a local government agency shall not accept gifts from any single source in any calendar year with a total value of more than [the current gift limit].

³ Section 84308(a) states:

(3) “Agency” means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers.

(4) “Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency,

⁴ Article 2. Disclosure, Sections 87200-87211.

⁵ Judges have a “statewide” jurisdiction for purposes of their SEI disclosures. (See *In re Baty* ((1979) 5 FPPC Ops.10, at 11-12 and *Walsh* Advice Letter A-02-201 [Superior (formerly referred to as “municipal”) court judges have a “statewide” jurisdiction for purposes of completing the SEI, because a Superior Court’s decision can directly affect persons or property throughout the state and in essence the court’s jurisdiction is statewide.].)

⁶ Notably, judges are subject to separate, but similar, honorarium and gift limitations under Section 170.9, CCP and Canon 4D and 4H, California Code of Judicial Ethics.

⁷ In order to better call attention to the expressly listed candidates for and judicial offices, judges, and justices, these terms are hereinafter italicized for added emphasis throughout the statutory and regulatory references, where appropriate.

As we discuss further below, this listing illustrates that under the Act, a “candidate for judicial office” is a separate category that is not included in either of the terms referring to candidates for state or local elective office.

Candidates for Elective Judicial Office & Judges

Considering the unique role of judges, the judicial branch, and candidates for judicial office, we now examine how judges and judicial offices are treated in the context of the Act’s campaign provisions.

A judicial candidate is a “candidate” for purposes of the Act, and a judicial office is an “elective office.” Defining a “candidate,” Section 82007 states that “candidate” includes “anyone listed on the ballot” or “qualified to have write-in votes cast on their behalf counted by elections officials” as well as “[a]nyone who receives a contribution, makes an expenditure, or gives their consent [for another to do so] to bring about the person’s nomination or election to an elective office.” Defining “elective office,” Section 82023 states that “elective office” means “any state, regional, county, municipal, district *or judicial office* that is filled at an election.”

As a result, candidates for judicial office must file campaign statements, such as semi-annual and pre-election statements, similar to other candidates for elective office, although there are certain express exclusions for judges, judicial candidates, and their controlled committees. (Section 84200(a).) It is noteworthy for our analysis that the “elective office” definition expressly lists “judicial office” as a separate and distinct office from a “county” or “municipal” elective office.

A Judicial Candidate is Not a Candidate for “Elective State Office,” or “Statewide Elective Office”

Under the Act, a judicial candidate is not a “state candidate” running for “elective state office.” Section 82050 defines a “state candidate” as a “candidate who seeks nomination or election to any *elective state office*.”⁸ A judicial office is not included in the term “elective state office.” Section 82024 states:

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.

We note that a judicial candidate is also not a “statewide candidate” for “statewide elective office.” Section 2052 defines a “statewide candidate” as “a candidate who seeks election

to any *statewide elective office*.” A judicial office is not included in the term “statewide elective office.” Section 82053 states:

“Statewide elective office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Comptroller, Secretary of State, Treasurer, Superintendent of Public Instruction and member of the State Board of Equalization.

A Judicial Officer is Not an “Elected State Officer”

Further, once elected, a judicial officer is not an “elected state officer” as that term is defined in Section 82021, because the judicial officer does not hold an “elective state office.” (See Section 82024 , above.) Section 82021 defines this term as follows:

“Elected state officer” means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

Causing some confusion, however, is the language in Section 84215(a) that requires judicial candidates and elected justices and judges to file their campaign statements with the Secretary of State. This section states:

(a) Statewide elected officers, including members of the State Board of Equalization; Members of the Legislature; *Supreme Court justices, court of appeal justices, and superior court judges*; candidates for those offices and their controlled committees; committees formed or existing primarily to support or oppose these candidates, elected officers, *justices and judges*, or statewide measures, or the qualification of state ballot measures; and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive, shall file a campaign statement by online or electronic means, as specified in Section 84605, and shall file the original campaign statement in paper format with the Secretary of State.

Carefully read, the semicolons in Section 84215(a) serve to separate the listed offices, and the judicial offices are listed as a category: “*Supreme Court justices, court of appeal justices, and superior court judges*.” These offices are not included in the first item, “[s]tatewide elected officers.”

Having established that a candidate for judicial office and an elected judicial officer do not fall in the above “state” categories, we now examine the Act’s campaign contribution limitations, the recent changes regarding limitations applicable to local jurisdictions, and whether the Act’s contribution limitations may apply to candidates for elective judicial office.

The Act's Campaign Contribution Limitations

State Limits & Default Limits

Since the passage of Senate Bill 1223, c. 102 in 2000, the Legislature has set limits on campaign contributions for state elective offices, but this legislation did not include contribution limits for elections to local office.⁹ Enacted by SB 1223 as well, Section 85703, regarding “Local Jurisdictions,” states:

(a) This act does not nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, ...

Regarding state contribution limits relevant to these facts, Section 85301(a) sets the contribution limit from a person to a “candidate for elective state office” at [currently \$5,900] per election, so long as the candidate is not “a candidate for statewide elective office.”¹⁰ This limitation applies to candidates for State Assembly, State Senate, CalPERS, and CalSTRS.

It was in 2019 with the passage of Assembly Bill 571, c. 556 of 2019 (“AB 571”), that the state contribution limit in Section 85301(a) was made the “default” contribution limit for local jurisdictions that did not otherwise impose their own limits under Section 85702.5. (Section 85301(d).) As a result, the default limit in Section 85301(a), currently \$5,900 per election, does not apply if the city or county has set their own contribution limits, even where that amount is set at “no limit.” Section 85702.5 “Default Contribution Limits for City and County Jurisdictions,” also enacted by AB 571 states, in pertinent part:

(a) A county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the limit set forth in subdivision (d) of Section 85301.¹¹

As a general matter, the Act does not contain a definition for the terms used above in Section 85702.5: “a candidate for elective county or city office” or “local elective office.” For purposes of the Act, the term “elective county or city office” does not include a “judicial office” or other unique offices, for the reasons outlined above- the language does not expressly include “judicial office.” Consistent with the Act and AB 571’s legislative intent, Commission staff’s interpretation is that the default limits that may be imposed by Section 85301(d) do not apply to judicial, school board, special district, and county central committee candidates, even though these candidates may appear on a county or city ballot. (See FPPC AB 571 Fact Sheet, 086-1-

⁹ See, Senate Committee on Elections and Constitutional Amendments, analysis of AB 571, dated June 28, 2019, which provides a detailed history of the Act and Local Contribution Limits, pp 3-4.

¹⁰ The limit is \$5,900 per election pursuant to the biennial adjustment in Regulation 18545.

¹¹ Note that “the Commission is not responsible for the administration or enforcement” of this contribution limit. (Section 85702.5(d).)

2025, p. 4).¹² As a result, the Act does not impose any contribution limits -default or otherwise - on any judicial candidates.

Turning to the County Ordinance, the facts state that the County passed its Ordinance containing campaign contribution limits in 2020. It applies to “any candidate for any county of Fresno elective office” and limits a person’s campaign contributions to \$30,000 per election. (Ord. No. 20-124, Section 1, 8-18-2020.) Therefore, candidates for any county of Fresno elective office are not subject to the Section 85301(d) default limit set forth in Section 85301(a). Nonetheless, the facts provide no indication that the County has interpreted its Ordinance to apply to judicial candidates, and we note that the Commission does not generally have the authority to provide advice regarding the local ordinance. Moreover, to the extent the County has not interpreted its Ordinance to apply to judicial candidates, any Commission advice would be hypothetical and premature. Accordingly, we provide no further opinion as to the application of the County Ordinance to the County’s Superior Court judicial candidates, at this time. We recommend you inquire with the County as to the application of its Ordinance.

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

Sincerely,

Dave Bainbridge
General Counsel

L. K a r e n H a r r i s o n

By: L. Karen Harrison
Senior Counsel, Legal Division

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¹² Additionally the Commission’s Campaign Manual 2 for Local Candidates Superior Court Judges , and their Controlled and Primarily Formed Committees, c.1.15, FAQ (c) states:

Does the default contribution limit also include judicial candidates?

No. Elective city and county offices do not include judicial offices.