

CITY OF OAKLAND



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April 3, 1998

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AL # 98-1

James R. Sutton
Nielsen, Merksamer, Parrinello, Mueller & Naylor
591 Redwood Highway #4000
Mill Valley, CA 94941

Re: Definition of "Five or More Candidates" under Oakland
Campaign Reform Act Section 205, Broad Based Political
Committee

Dear Mr. Sutton:

In correspondence dated March 20, 1998, you requested advice on the definition of the term "five or more candidates" under Oakland Campaign Reform Act section 205 that defines broad based political committees.

Section 205 of the Oakland Campaign Reform Act provides:

"Broad Based Political Committee" means a committee of persons which has been in existence for more than six months, receives contributions from one hundred or more persons, and acting in concert makes contributions to five or more candidates."

As I informally discussed with your law clerk by telephone, the term "candidates" in section 205 is not limited to candidates in Oakland elections. The Oakland Campaign Reform Act refers to "candidate for city office" when the intent is to limit a provision only to the candidates for elective office in Oakland. For example, see Oakland Campaign Reform Act sections 306 and 308. Those candidates for "city office" are the Mayor, City Auditor, Councilmember-at-large, District Councilmembers and School Board Directors. It was the intent of the Oakland City Council when adopting the Oakland Campaign Reform Act that as

much as possible, its provisions be patterned after the provisions of the California Political Reform Act. In reviewing the Political Reform Act's definition of "candidate" which is found at Government Code section 82007 it is our opinion that the term "candidates" under Oakland Campaign Reform Act section 205 includes all individuals who would qualify as candidates under Government Code section 82007. Government Code section 82007 provides:

"Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. An individual who becomes a candidate shall retain his or her status as a candidate until such time as the status is terminated pursuant to [Government Code] section 84214. "Candidate" does not include any person within the meaning of section 301 (b) of the Federal Election Campaign Act of 1971."

As with Government Code section 82007, "candidates" under Oakland Campaign Reform Act section 205 do not include candidates for federal election. As you stated in your letter the qualifying candidates under section 205 could include county supervisor, or state representative, or other California office.

If I can be of further assistance to you, please do not hesitate to contact me at (510) 238-3702.

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Very truly yours,

JAYNE W. WILLIAMS
City Attorney

By:

Joyce M. Hicks
Assistant City Attorney

cc: Mayor Elihu Harris
Oakland City Councilmembers
6/98 Candidates of City Office
Oakland City Clerk
Public Ethics Commission

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bcc: Jayne Williams
Patrick Tang