

August 12, 1994

AL #94-5

Ignacio De La Fuente
Councilmember, District 5
505 - 14th Street, 6th Floor
Oakland, CA 94612

Re: Response to Question Pertaining to the
Officeholder Expense Provision of the Oakland
Campaign Reform Act.

Dear Councilmember De La Fuente:

This letter is in response to your July 8, 1994 request for advice regarding the Oakland Campaign Reform Act ("OCRA"), section 310, pertaining to the officeholder fund (copy attached).

ISSUE

Whether contributions earmarked for Officeholder Fund expenses and deposited into an officeholder or candidate's campaign checking account prior to January 1, 1994, should remain in the campaign checking account, or should they be transferred to the officeholder's Officeholder Fund savings account?

DISCUSSION

Under section 306 of the OCRA, an officeholder fund savings account may be established to allow an officeholder to defray expenses associated with holding office when such expenses are unrelated to the officeholder's campaign for local office. Because such funds are not intended to be used in connection with election to a city office, the City Attorney has recommended that contributions to the officeholder fund should be segregated from contributions to the campaign checking account by depositing the funds intended to be applied to officeholder expenses into an officeholder fund savings account. (See page 4 of Advice Letter #94-2.)

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In addition, all contributions to the officeholder fund should be specifically identified by the donor as a contribution to the officeholder fund.

Your letter correctly states the requirement that, as an officeholder expense is incurred, that specific amount should be transferred from the savings account to the campaign checking account, and a check written for that amount from the campaign checking account. This procedure is necessitated by the state law requirement that a candidate have only one checking account, into which all contributions and loans must be deposited. (Gov. Code § 85201.)

CONCLUSION

Funds raised specifically for officeholder expenses should be deposited into the officeholder fund savings account, regardless of whether these funds were received prior to or after the effective date of the OCRA, January 1, 1994. If you have any questions regarding this advice letter, or any other questions regarding the Oakland Campaign Reform Act, please contact this office at your earliest convenience.

Very truly yours,

JAYNE W. WILLIAMS
City Attorney

By: _____
J. Patrick Tang
Deputy City Attorney

cc: Michelle Abney

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June 27, 1994

Ignacio De La Fuente
District 5
505 - 14th Street, 6th Floor
Oakland, CA 94612

AL #94-6
Councilmember,

Re: Whether the Oakland Campaign Reform Act prohibits
contributions to initiatives on the Oakland
ballot.

Dear Councilmember De La Fuente:

This letter addresses your August 11, 1994 letter, wherein you requested a determination as to whether the Oakland Campaign Reform Act ("OCRA") prohibits contributions to initiatives on the Oakland ballot.

The OCRA does not prohibit candidates from making contributions, or transferring campaign funds, to support or oppose initiatives on the Oakland ballot.