

January 23, 1996

The Honorable Elihu M. Harris
Mayor of the City of Oakland
1 City Hall Plaza
Oakland, Ca 94612

Re: The Applicability of Oakland's Campaign Reform Act
(Ordinance Number 11612 C.M.S.) to the Formation
of A Statewide Political Action Committee

Dear Mayor Harris:

This letter is in response to your verbal request for a determination of what limitations, if any, the Oakland Campaign Reform Act would place on a statewide political action committee ("PAC") that you are contemplating establishing and that you would control as a candidate's controlled committee. So long as the statewide PAC controlled by you is used exclusively for elections held outside of the jurisdiction of the City of Oakland's Campaign Reform Act ("the Act"), it would not be subject to the limitations of Oakland's Campaign Reform Act. However, the inter-candidate transfer ban of Government Code section 85304 would apply to your PAC.

The Act only applies to candidates of local offices, which are defined as the offices of Mayor of the City of Oakland, Oakland City Councilmember, Oakland City Auditor and Oakland School Board members. (City of Oakland Ordinance Number 11612 C.M.S. § 201.)

Section 307 of the Act provides that all payments to a candidate or the candidate's controlled committee are either a campaign contribution, a gift or a loan, unless the payment is used solely for purposes unrelated to a City of Oakland office. So long as payments to your PAC are used solely for purposes unrelated to a City of Oakland office, the PAC is outside the jurisdiction of Oakland's Campaign Reform Act.

Government Code section 85304, found in the California

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Political Reform Act, prohibits transfers from a candidate or a committee controlled by that candidate or candidates for elective office to another candidate for elective office when valid local campaign contribution limits are in place. While you are in office as Mayor of the City of Oakland, your PAC would be subject to the limitations of Government Code section 85304 and it could not make campaign contributions to or receive campaign contributions from candidates for the offices of, Mayor of the City of Oakland, Oakland City Councilmember, Oakland City Auditor or Oakland School Board member while the candidates of these offices are running for office, while they are in office and until their status is terminated pursuant to Government Code section 84214.

The Fair Political Practices Commission is the only entity authorized to provide you immunity for reliance on advice with regard to the Political Reform Act. Should you have further questions about the Political Reform Act, I would be happy to discuss them with you, but I would recommend that you or I contact the Fair Political Practices Commission for confirmation of their interpretation of the Act's provisions.

Please contact me at your earliest convenience if you have additional questions regarding Section 307 or any other provisions of the Oakland Campaign Reform Act.

Very truly yours,

JAYNE W. WILLIAMS
City Attorney

By: _____

Joyce M. Hicks
Assistant City Attorney