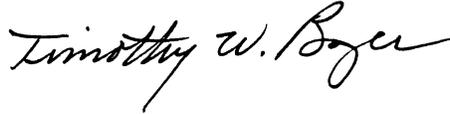


Memorandum

To : Mrs. Janice Masterton, Chief
Board Proceedings Division

Date: March 23, 2000

From : Timothy W. Boyer
Chief Counsel



Subject : **Contribution Disclosure Opinion 2000-01**
Campaign Contributions Made to Board Members for State or Local Elections are Subject to the Disclosure and Disqualification Provisions of the Kopp Act and Campaign Statements Filed for Any State or Local Office Must be Provided to Board Staff.

Government Code Section 15626 (the Kopp Act) provides that a Board Member shall not participate in any adjudicatory proceeding pending before the Board if a contribution of \$250 or more has been received from any party, participant, or agent. Any such contribution must be disclosed on the record of the proceeding. Additionally, the Kopp Act provides that “[e]ach member shall provide board staff with a copy of each of his or her campaign statements at the time each of those statements is filed.”

The term “contribution” is defined in Government Code Section 15626(h)(1) as having “the same meaning prescribed in Section 82015 and the regulations adopted thereto.” Adopted by the Fair Political Practices Commission to interpret Section 82015, 2 Cal Code of Regulations, Section 18215. in pertinent part, provides:

(a) A contribution is any payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

(1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or

(2) Received by or made at the behest of the following or any agent thereof:

(A) A candidate

The term "candidate" includes:

an individual ... who receives a contribution or makes an expenditure ... with a view to bringing about his or her nomination or election to any elective office ... [except a federal office].¹

Since, based on the above definitions, the term "contribution" as used in the Kopp Act encompasses contributions to Board Members who are candidates for any state or local elective office, such contributions are subject to the Kopp Act's disclosure and disqualification provisions. Moreover, consistent with Government Code section 15626(h)(6), Board Member campaign statements filed for any state and local office must be provided to board staff.

cc: Honorable Dean Andal
Honorable Claude Parrish
Honorable Johan Klehs
Honorable John Chiang
Honorable Kathleen Connell
Mr. James Speed
Contribution Disclosure Binder Distribution List

¹ As was discussed in Contribution Disclosure Opinion 91-27, a contribution to a candidate for federal office is not considered a contribution under Section 82015.