



Office of the City Clerk

MEMORANDUM

Date: August 15, 2016
To: Candidates
From: Lisa Wolfe, City Clerk
Re: Questions regarding campaigning

1. Can someone begin soliciting contributions and spending money prior to taking out election papers from your office?

Yes, however, they must first open a bank account and file a 501 with the Benicia City Clerk's office.

2. What is the current contribution limit?

The current voluntary contribution limit is \$270/person. (it used to be \$250, but there have been CPI increases).

3. I understand the contribution limit is doubled if the candidate agrees to the voluntary spending limit. Is that correct?

Yes, that is correct. The candidate must first sign the 'Letter of Acceptance of the Applicable Expenditure Limit'. They are allowed to collect maximum contribution limits of \$540/person during the 2016 election, as long as they do not exceed the voluntary limit.

4. When can a candidate make that voluntary spending agreement?

All candidates will have the opportunity to sign the form once they are issued a candidate packet (not available until 113 days prior to the election date). However, if they choose to start campaigning prior to the issue date of the packets, they should sign the letter accepting or rejecting the limit at the time they file their Form 501 with the City Clerk's Office.

5. Does that mean that contributions exceeding the first limit not be accepted until the voluntary agreement is signed?

If the candidate or potential candidate exceeds the limit, they will not be able to sign the 'Letter of Acceptance of the Applicable Expenditure Limit'.

6. What is the campaign expenditure limit?

The current expenditure limit for the 2016 election is \$29,890.00 (used to be \$28,000, but there have been CPI increases).

7. How are in-kind contributions valued?

I would refer you to the FPPC's campaign manual for this issue - http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_2/Final%20Manual%202%20March%202015.pdf. We are not able to provide advice in this area – the FPPC prefers to take care of advice on such issues directly. 1 (866) ASK-FPPC / www.fppc.ca.gov

8. How is spending by PACS regulated and reported?

PAC's must register with the Secretary of State (Form 410) and report to the local agencies. However, if you have specific questions on this issue, I would also direct you to the FPPC for advice. 1 (866) ASK-FPPC / www.fppc.ca.gov

9. If a candidate does not agree to the voluntary limit, is there any limit on what they can raise per person or what they can spend?

If they do not agree to the spending limit, they are limited to contributions of \$270/person, but they may spend any amount without limit. Please note that there are two notices required of candidates who elect **not** to participate:

- At the time of filing his or her declaration of intention, each candidate for city council or mayor shall also file a letter with the city clerk indicating acceptance or rejection of the voluntary expenditure limit.
- A candidate for mayor or city council who decides not to accept the voluntary expenditure limits shall notify the city clerk by telephone and by confirming telegram, fax or e-mail on the day the candidate raises more than 100 percent of the applicable expenditure ceiling and again on the day the candidate spends more than 100 percent of the applicable expenditure limit.

10. When can candidate papers be taken out from your office and what is the filing deadline?

Packets are not available to potential candidates until 113 days prior to the election and the deadline for filing is 88 days prior to an election (August 12, 2016)

11. If someone makes a donation of an item valued at \$300 and is subsequently bought by someone for \$300 how do we reflect those in our report? Do we count both the value of the item as an in direct contribution and the purchase price as a direct contribution?

If someone wishes to donate something worth more than the applicable contribution limit, it may not be accepted.

A donor who has already donated the maximum amount could not donate anything.

If the donor has already contributed \$250, for example, the candidate could not accept an item worth more than the applicable contribution limit minus \$250.

There is no monetary contribution involved. A painting valued at \$300 that sold for \$500 would be reported as a non-monetary contribution of \$300 and a miscellaneous increase to cash of \$200. \$300 counts against the spending limit.

You may also read the attached explanation of [‘Art as a Contribution.’](#)

12. Am I required to put my campaign committee information on my campaign signs?

Our campaign ordinance does not require disclosure for your own signs. It does require disclosure for independent committee.

Please refer to the document below from the FPPC. Look at page 2 towards the bottom for their recommendation.

FPPC Political Advertising Disclaimers

13. Are there special campaign ordinances specific to Benicia?

Yes there are.

1. [Ordinance 07-01 Voluntary Code of Fair Campaign Practices](#)
2. [Ordinance 07-18 Campaign Disclosure in Candidate Elections](#)
3. [Ordinance 09-12 Contribution and Voluntary Spending Limits](#)