

MEMORANDUM OF LAW

DATE: February 27, 1986
TO: Councilwoman Judy McCarty
FROM: City Attorney
SUBJECT: Current Campaign Donations

You recently sought our advice on current campaign donations. Specifically you asked if a donor had not given his personal limit during the campaign could his current contribution be applied to the current deficit or must it be applied to a future campaign?

While we have previously answered the question, we are happy to restate the advice and the supporting reasoning. San Diego Municipal Code section 27.2941(a) limits campaign contributions to two hundred fifty dollars (\$250) "with respect to a single election" yet is silent on a time limit for receiving contributions to such a single election. Moreover, Section 27.2941(c) specifically recognizes that contributions may be made "to pay deficits incurred in prior campaigns" The Report of the 1981 Election Task Force recommended that section 27.2941 be amended to limit the time during which contributions could be received but their recommendations were not enacted.

Therefore since there is no time limitation placed on receiving contributions and contributions to pay deficits are specifically recognized, current contributions from persons who have not given their limit are permissible and does no violence to the campaign control ordinance.

JOHN W. WITT, City Attorney
By
Ted Bromfield
Chief Deputy City Attorney

TB:js:048.3(x043.2)
ML-86-24