

DATE: June 26, 1987

TO: Charles G. Abdelnour, City Clerk
FROM: City Attorney
SUBJECT: Nonmonetary Campaign Contributions

You recently asked for a "general" discussion of the difference between gifts and contributions. The San Diego Municipal Election Campaign Control Ordinance (Section 27.2901 et seq.) makes no distinction between gifts and contributions and contains an expansive definition of "contribution". San Diego Municipal Code Section 27.2903(e). Hence it would be emphatically improper to give candidates "general" advice on such a subject. In keeping with the City Attorney's policy on election matters, we will address specific fact situations to insure compliance with the Campaign Control Ordinance.

With this caveat in mind, we have consistently viewed Section 27.2903(e) in the light of the Fair Political Practices Commission's regulation found in 2 Cal. Admin. Code Section 18215 which reads in pertinent part:

18215. Contribution.

(a) A contribution is any monetary or nonmonetary 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:

(A) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his or her behest for

personal purposes unrelated to his or her candidacy or status as an office holder. The term "payment" includes the candidate's own money or property used on behalf of his or her candidacy

This standard, then, provides a workable guideline for distinguishing between items received for personal or political benefit.

JOHN W. WITT, City Attorney

By
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