

MEMORANDUM OF LAW

DATE: February 28, 1991

TO: Deputy Mayor Bob Filner
FROM: City Attorney
SUBJECT: Campaign Control Ordinance/Payments for Meals
as Contributions

Ted Bromfield has referred your letter of February 11, 1991, to me for response. You ask whether, under the City's campaign control ordinance, a contributor who has given the maximum amount to your re-election campaign can attend future fundraising dinners and pay solely for the cost of the meal directly to the restaurant or caterer.

The short answer to your question is "yes." The San Diego Municipal Election Campaign Control Ordinance is located in San Diego Municipal Code ("SDMC") section 27.2901 et seq. Under SDMC section 27.2903(e), the term "contribution" expressly includes "the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events" The term "contribution," however, expressly excludes a payment for which full and adequate consideration is received.

Under the facts presented, one of your contributors has already contributed the maximum allowable to your re-election campaign under the City's campaign control ordinance (\$250.00 per election, SDMC section 27.2941). The contributor desires, however, to attend other fundraising dinners associated with your re-election campaign. If the contributor were to be charged the full price of the ticket to attend the fundraiser dinner, that amount less the price of the meal itself would be considered a "contribution" under the definition set forth above. Since, however, the contributor would not be charged the full price of the fundraising dinner, but only for the price of the meal itself, the contributor would receive "full and adequate consideration" for the amount paid. Therefore, the amount paid for the dinner by the contributor would not constitute a "contribution." The fact that the contributor pays the amount directly to the restaurant or caterer is not strictly required for the advance, but is probably a wise idea.

If you have further questions, please feel free to ask.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

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