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June 22, 1999

Brad Litchfield, Associate General Counsel
Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

Dear Mr. Litchfield:

I hereby request an Advisory Opinion on behalf of the San Diego County Republican Central Committee (C00252551), a local party committee. The subject of the request is the method for calculating the ratio used to allocate administrative expenses and costs of generic voter drives.

11 CFR 106.5(d)(ii) provides that "Local party committees shall also include in the ratio a maximum of two additional non-federal offices if any partisan local candidates are expected on the ballot." I am requesting advice as to whether or not the San Diego County Republican Central Committee is entitled to include the additional two non-federal offices. Local candidates will be included on the 2000 ballot and the local party will be endorsing and supporting candidates in at least two of those local races.

The question is essentially identical to the question addressed by **Advisory Opinion 1991-6** and **Advisory Opinion 1991-27** except that the status of California law has been changed since **Advisory Opinion 1991-27** was issued and has been returned to the status in effect at the time of **Advisory Opinion 1991-6**. This change is the result of the findings in **California Democratic Party v. Lungren**, 919 F. Supp. 1397 (1996).

To summarize, Proposition 49, passed by California voters in 1986 made it illegal for political parties to endorse, support or oppose candidates for nonpartisan office. In the **Geary v. Renne** decision, this provision was found to be unconstitutional. **Advisory Opinion 1991-6** was issued at that time and indicated that it would be appropriate to include a point for local candidates in the

ballot composition calculation in question. In 1991, the Supreme Court reversed the decision in Geary v. Renne. Advisory Opinion 1991-27 was issued after this reversal and indicated that it was no longer appropriate to include a point for local candidates since the status of the law had changed.

As a result of California Democratic Party v Lungren, political parties in California are once again permitted to endorse and support candidates for nonpartisan office. It seems reasonable, therefore, that the San Diego County Republican Central Committee include two points for local candidates in its ballot composition calculation. Because this is counter to the most recent Advisory Opinion on the issue, a new Advisory Opinion confirming or disapproving this methodology is requested.

Thank you for your assistance.

Yours very truly,



C. April Boling, Treasurer
San Diego County Republican Central Committee