WHAT IS A CALIFORNIA BALLOT MEASURE COMMITTEE?

This manual is for “primarily formed” and “general purpose” ballot measure committees. A ballot measure committee is any person or group receiving contributions of $1,000 or more in a calendar year for the qualification, passage, or defeat of a ballot measure or ballot measures.

A. What is a Measure?

Under the Political Reform Act, “measure” includes any proposition that is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum, or recall procedure whether or not it qualifies for the ballot. An initiative, referendum, or recall becomes a measure when the proponents begin to circulate signature petitions to qualify the proposal for the ballot.

A “measure” also includes any constitutional amendment or other proposition, including an advisory ballot question, which is submitted to a popular vote at an election by action of a legislative body (e.g., city council or county board of supervisors). These propositions become a measure when the legislative body takes the action necessary to submit the proposition to the voters.

A Local Agency Formation Commission (LAFCO) proposal is considered a measure from the outset. For example, it may begin when a county, city or district proposes a change of organization by adopting a “resolution of application” or when voters or landowners circulate a petition for a change of organization. See Government Code Sections 56069 and 56067.

A “measure” also includes elections held for general and special taxes placed on the ballot by local governments for voter approval as required by Proposition 218. However, “measure” does not include the mail ballot and protest procedures for property-related assessments required by Proposition 218.
Once a proposal becomes a “measure,” all contributions received and expenditures made to influence voters for or against qualification or passage of the measure must be reported. This includes funds received prior to the measure’s qualification as discussed later in the chapter.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Measure?</th>
</tr>
</thead>
<tbody>
<tr>
<td>School bond placed on the ballot for voter approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>Local citizens circulate petition to incorporate a new city. The</td>
<td>Yes</td>
</tr>
<tr>
<td>petition must be submitted to the Local Agency Formation</td>
<td></td>
</tr>
<tr>
<td>Commission (LAFCO).</td>
<td></td>
</tr>
<tr>
<td>An irrigation district wishing to expand its function approved a</td>
<td>Yes</td>
</tr>
<tr>
<td>resolution of application to submit to the county’s LAFCO.</td>
<td></td>
</tr>
<tr>
<td>Initiative campaign begins gathering signatures but does not receive</td>
<td>Yes</td>
</tr>
<tr>
<td>the necessary number of signatures to qualify for the ballot.</td>
<td></td>
</tr>
<tr>
<td>City council places a one-half cent sales tax increase on the ballot.</td>
<td>Yes</td>
</tr>
<tr>
<td>A special district informs property owners of a new benefit assessment.</td>
<td>No</td>
</tr>
<tr>
<td>A group of owners campaigns to defeat the assessment in the mail ballot</td>
<td></td>
</tr>
<tr>
<td>election to follow.</td>
<td></td>
</tr>
<tr>
<td>A group of residents circulates a petition to recall a local elected</td>
<td>Yes</td>
</tr>
<tr>
<td>official.</td>
<td></td>
</tr>
</tbody>
</table>

Recall Elections

Recall elections generally have the characteristics of both ballot measure elections and candidate elections. Usually, a recall has two parts:

1. Shall the officeholder be recalled? (Ballot measure election.)

2. Who shall replace the recalled officeholder? (Candidate election.)

Committees supporting or opposing the recall are considered to be primarily formed ballot measure committees and should use this manual. Candidates to replace the officeholder should use the candidate campaign manuals. An officeholder who is the subject of a recall should use this manual if the officeholder establishes a new committee for the purpose of defeating the recall. If an officeholder uses his or her election committee to oppose the recall,
the officeholder should use the candidate campaign manual. Local jurisdictions may have additional disclosure requirements for recall committees. Contact the local agency for guidance. Campaign reporting rules for recall elections are set forth in FPPC Regulation 18531.5.

**What is Primarily Formed?**

A committee is “primarily formed” to support or oppose a ballot measure if:

- The committee is created for the purpose of running the principal campaign for or against a measure;
- The committee’s primary purpose and activities are to support or oppose a measure; or
- The committee makes more than 70 percent of its total contributions and expenditures to support or oppose a specific measure, or a group of measures, being voted upon in the same election on the same date. The time period for determining the committee’s total percentage is the immediately preceding 24 months or the current two-year period beginning January 1 of an odd-numbered year.

See FPPC Regulation 18247.5 to determine whether a committee is primarily formed. A committee that is primarily formed within 90 days prior to an election must maintain that status up to the date of that election and through the end of the post-reporting period.

**New committees:** A new committee formed within six months of a statewide regular election or within 30 days of a state special election is presumed to be primarily formed if the committee makes at least $25,000 in independent expenditures to support or oppose a state measure listed on that ballot. (The presumption may be rebutted.)

A monthly review is required for other new committees that spend at least $1,000 a month and were formed within six months of an election in connection with which the committee makes contributions or expenditures.
Can a general purpose ballot measure committee become a primarily formed ballot measure committee?

Yes. As described below, a general purpose ballot measure committee is one that makes expenditures for multiple measures. In certain elections, a general purpose committee may spend a significant amount of funds on a particular measure or measures on a single ballot. It will become a primarily formed ballot measure committee if:

- The committee makes at least $100,000 of contributions and/or expenditures supporting or opposing state measures; or
- The committee makes at least $10,000 of contributions and/or expenditures supporting or opposing local measures.

General Purpose Ballot Measure Committees

Committees formed to support or oppose ballot measures in more than one election, or in more than one jurisdiction, are general purpose ballot measure committees. Typically, a general purpose ballot measure committee is one in which the purpose of the committee is related to a specific issue and the committee will spend money on elections when a measure on that issue is before the voters. These committees are often referred to as “issues” committees.

General purpose ballot measure committees can be active for a number of years versus a single election.

FPPC Regulation 18247.5 requires a general purpose ballot measure committee to review its expenditures quarterly if it is close to triggering the primarily formed committee threshold because its spending is concentrated on a particular measure or more than one measure on a single ballot.
What are some of the differences between reporting as a primarily formed ballot measure committee and a general purpose ballot measure committee?

Three key differences are that a primarily formed ballot measure committee must:

- Include in its name the ballot measure number or letter, whether the committee supports or opposes the measure, and information related to contributors of $50,000 or more;
- Include specific disclaimers on advertisements; and
- Report receipt of all contributions of $1,000 or more within 24 hours within 90 days of an election. The filing schedules on the FPPC website outline the additional filing deadlines.

Ex 1.1 - A local agency places a question on the November ballot to outlaw cigarette smoking anywhere within the city limits. A group of citizens raises $1,000 or more to buy newspaper ads to encourage their neighbors to vote for the new law. The group is a primarily formed ballot measure committee.

Ex 1.2 - A city council approves a zoning ordinance. A group of companies attempt to qualify a referendum on the ordinance; the group is a primarily formed ballot measure committee.

Ex 1.3 - A community college district places a bond measure before the voters. The district boundaries include parts of three counties. Any committee formed only to support or oppose the measure would be a primarily formed ballot measure committee because the measure is being voted on at a single election in a single multi-county jurisdiction.

Ex 1.4 - Citizens for Public Libraries is a multi-purpose organization. The organization sends a mailer to its members asking for $200 for the sole purpose of supporting library bond measures throughout the state and at various elections. Once $1,000 is received, the organization qualifies as a general purpose ballot measure committee because they will be supporting bond measures in several counties and cities. If the committee spends 70 percent or more of its funds on a single election, it will become a primarily formed ballot measure committee.

Ex 1.5 - A group of businesses and trade associations formed a committee for the sole purpose of supporting two state ballot measures and opposing one state ballot measure, all of which are listed on the November ballot. The committee must register as a primarily formed ballot measure committee.
Types of Ballot Measure Committees

A ballot measure committee may be controlled by a candidate or sponsored by an entity or organization.

Controlled Committees

If a candidate (or his or her representative) has significant influence on the actions or decisions of a committee, it is considered a controlled committee.

Sponsored Committees

A committee is considered sponsored by an entity or organization if the entity or organization, including a multi-purpose organization such as a nonprofit entity, does any of the following:

- Contributes 80 percent or more of the committee’s money
- Collects money for the committee using payroll deductions or dues
- Provides all or nearly all of the administrative services for the committee
- Sets the policies for soliciting and using committee funds

B. Qualifying as a Primarily Formed Ballot Measure Committee

A person or group qualifies as a primarily formed ballot measure committee upon receiving contributions of $1,000 or more in a calendar year. The obligation to begin reporting contributions received and expenditures made arises when a proposal becomes a measure. For example, if a group of citizens begins collecting funds to qualify a measure, those funds are reportable once the petition circulation begins. As discussed below, certain contributions received and expenditures made before the reporting requirements were triggered may be reportable.
A person or group must file a Statement of Organization (Form 410) within 10 calendar days of becoming a committee. As described above, if the person or group raises $1,000 or more before a proposal becomes a measure, the 10-day period for filing the Form 410 begins the first day proponents begin to circulate petitions or when the legislative body acts to place the proposal on the ballot. If a group begins to raise contributions after the proposal becomes a measure, the 10-day period begins on the day the group raises $1,000 or more. More information on completing the Form 410 is provided on the following pages.

Additional rules apply to primarily formed and general purpose ballot measure committees controlled by state elected officials. See discussion below and FPPC Regulation 18521.5.

Once a person or group qualifies as a committee, reporting obligations are triggered. Often times the Form 497 (24-Hour Contribution Report) will be the first report a committee files because when contributions of $1,000 or more are received within 90 days of the election, a Form 497 is required to be filed within 24 hours. See Chapter 8 for more information.

Committees Formed to Oppose the Qualification of a Measure

Committees formed to oppose the qualification of a measure must file disclosure reports once the proponents begin to circulate petitions. Because the actual date that petition circulation begins can vary, opposing committees often begin filing as soon as $1,000 or more is received or as soon as they know the date of “proof of publication” for local measures or the date of “issuance of title and summary” for state measures.

Contributions and Expenditures Before Proposal Becomes a Measure

If the committee received contributions before the proposal qualified as a measure, the committee must report the names of contributors who know or had reason to know their contributions were for use in supporting or opposing the qualification or passage of the measure.

Ex 1.6 - A statewide initiative is being drafted. In anticipation of the initiative qualifying for the ballot, a group sends solicitation requests to oppose the proposal and raises $20,000. The group is not required to file disclosure reports listing the sources of the $20,000 until the proponents sponsoring the initiative begin to circulate petitions. On the first day the petition circulation begins, the group opposing the measure qualifies as a committee and is subject to reporting obligations. The committee must file a Statement of Organization, Form 410, within 10 calendar days. The committee is also required to file quarterly, semi-annual, and pre-election statements as well as special reports discussed in this manual.

Quick Tip

Committees that qualify within 90 days before the election are required to report contributions of $1,000 or more within 24 hours.
The contributors would have reason to know if, for example, the committee had sent out a solicitation or placed an advertisement asking for contributions for petition circulation or to support or oppose the measure. On the other hand, if a multi-purpose organization had collected funds for non-political purposes and used some of the funds to qualify a measure for the ballot, the names of the donors would not be reportable until the multi-purpose organization qualified as a committee and began using donor funds from that time forward.

This manual cannot address all situations when a contributor may have "reason to know" his or her contributions will be used for a measure. Committees may contact the FPPC or refer to FPPC Regulation 18412 for specific guidance. See Chapter 9 for reporting examples.

A primarily formed ballot measure committee must also report expenditures made to support or oppose the qualification or passage of a measure, including certain expenditures that occurred before the proposal became a measure.

Reportable expenditures may include:

- The cost of a poll or survey, if used in a communication to influence voters regarding the qualification or passage of a measure;
- Payments to defray the costs of conducting an election;
- Filing fees;
- Legal costs relating to gaining or retaining a place on the ballot, or keeping a measure off the ballot.

Common expenditures that are not reportable include:

- The cost of a poll or survey to determine the feasibility of drafting a measure, if not used in a communication to influence voters; and
- Certain legal costs incurred prior to the circulation of petitions, including legal costs related to drafting the proposed measure.
Committees primarily formed to support or oppose a LAFCO proposal are not required to report the following payments:

- Payments made for the cost, including staff time, of preparing reports, studies or analyses, including environmental impact reports, feasibility studies, and fiscal analyses;

- Processing fees and similar fees paid to a LAFCO.

**Litigation Expenses**

If a group receives money for the purpose of challenging a ballot measure’s placement on a ballot, depending on the facts of the case, the group may qualify as a recipient committee. Advice relating to litigation is specific to facts, so it is best to email your facts to the FPPC for assistance, but common issues related to litigation are described below.

- A group raises money to challenge the wording of a measure’s description in the ballot pamphlet. Such payments are made for the purpose of influencing the voters, so they may cause the group to become a recipient committee.

- A group raises money to challenge the validity of petition signatures. Such payments may cause the group to become a recipient committee.

- When a ballot measure is passed and a group receives money for the sole purpose of challenging the constitutionality or legality of the newly-enacted law, such payments are not made to influence voters and the group would not become a recipient committee.

**C. Qualifying as a General Purpose Ballot Measure Committee**

Typically, a general purpose committee is formed when a person or group sends solicitations asking for contributions that will be used for future ballot measures related to a particular issue. Once the person or group receives $1,000 or more in a calendar year, they qualify as a general purpose ballot measure committee.
D. Naming the Committee

Primarily formed ballot measure committees must include information about their purposes and sponsors in their name. Additional disclaimers are required on advertisements, which are discussed in Chapter 7.

It may be necessary to change the name of the committee during the course of the campaign. For example, as new contributions are received, the sponsor(s) of the committee may change, or the economic or other special interest of the committee’s major donors may change. The discussion later in this chapter details the deadlines for certain changes that must be identified on the Form 410.

**Primarily Formed Ballot Measure Committees**

The name of a primarily formed ballot measure committee must include all of the following, if applicable:

- **Sponsor.** If the committee is sponsored, the name of the sponsor. If the committee has more than one sponsor and the sponsors are members of an industry or other identifiable group, a term indentifying the industry or group.

- **Controlling State Candidate.** If the committee is controlled by a state candidate, the last name of the controlling candidate, as well as expressly stating that it is a ballot measure committee.

- **Measure Identification.** The measure’s ballot number or letter and the committee’s position on the measure. For example, “a committee for Proposition ___”; “a committee against Proposition ___”; “Yes [or No] on Proposition ___”; “Yes [or No] on ___”; or, “Yes [or No] on Measure ___” are all acceptable.

- **Recall.** If the committee is primarily formed to support or oppose the recall of an officeholder, the name of the officeholder who is the subject of the recall and whether the committee supports or opposes the recall must be in the name of the committee. A committee formed by an officeholder who is the subject of a recall must include the word, “recall,” in the name of the committee.
• **Interests Affected by Measure.** A name or phrase that clearly identifies the economic or other special interest of major donors who cumulatively contributed $50,000 or more. This means that the committee name must identify any economic interest that exists that is likely to be affected by the ballot measure. If no such economic interest exists, the name or phrase must identify any goal or purpose that is likely to be affected by the measure. If there is more than one contributor of $50,000 or more and all such contributors do not share an economic interest or goal or purpose, the name or phrase must identify the various economic interests or goals or purposes that are likely to be affected by the ballot measure.

• The **common employer** of the major donors of $50,000, if one exists.

• The **names of candidates** or their controlled committees if, as a group or individually, they are major contributors of $50,000 or more as described above.

The following are examples of acceptable names for primarily formed ballot measure committees:

**Ex 1.8** - A local tax measure would increase the city’s sales tax with all funds earmarked for firefighting services. A local firefighter’s union formed a primarily formed ballot measure committee and raised a total of $5,000 from its members to support the measure.

The committee must include the name of the union in the name of the committee because it qualifies as a sponsor, and it must identify that it supports the measure: “The Pasadena Firefighters, Local 1210 Committee for Measure A” or “A Committee in Support of Measure A, Sponsored by the Pasadena Firefighters, Local 1210.”

**Ex 1.9** - Jerry Fair is the subject of a recall. He forms a separate committee and raises $10,000 to oppose the recall.

The committee name must include the name of the officeholder and include the word “recall.” “A Committee Against the Recall of Jerry Fair” or “The Committee to Oppose the Recall of Jerry Fair.”
Ex 1.10 - A group of individuals representing their businesses establishes a bank account to raise contributions to support a transportation bond measure. ABC Company provides all of the administrative support for the primarily formed ballot measure committee. No other business qualifies as a sponsor. The committee raises $15,000.

The committee name must include the name of the sponsoring business and must identify that it supports the measure. “The Committee in Support of Measure X, Sponsored by ABC Company” or “Yes on Measure X, Sponsored by ABC Company.”

Ex 1.11 - A group collects $3,000 and all contributions were under $100 and from individuals. The committee is formed to support a library tax measure.

The primarily formed ballot measure committee name must identify that it is in support of the measure. “Committee to Support Measure B” or “Yes on Measure B Committee.”

Ex 1.12 - Proposition 110 is a state ballot measure that will provide bond funding specifically for improving the state parks system. The committee primarily formed to support the measure received two contributions of $50,000 or more; $75,000 from the Parkland Foundation (mission is to expand and improve parks) and a personal contribution of $55,000 from Linda Nelson, a hiker, who has no business affiliation related to parks. The administrative support for the measure is provided by a union representing park rangers, Park Rangers, Local 1010. All additional contributions are less than $50,000. No candidate controls the committee and no other entity qualifies as a sponsor.

The committee name must identify: 1) the sponsor, 2) the economic, special interest, goal or purpose of the contributors of $50,000 or more, and 3) the committee’s position on the measure.

“Citizens for Proposition 110, a Committee in Support of Expanding California Parks, Sponsored by the Park Rangers, Local 1010” or “Support Proposition 110, Sponsored by the Park Rangers, Local 1010, with Help from Citizens and Foundations for Parks.”

NOTE: Advertisements must indicate that major funding was provided by the Parkland Foundation and Linda Nelson.

Ex 1.13 - Senator O’Leary supports Proposition 114, a measure that would fund state museums, and contributes $100,000 from his reelection committee to the committee primarily formed to support the measure. The committee has also received a contribution of $75,000 from the California Museum Curators Association. No contributor qualifies as a sponsor and no other contribution of $50,000 or more was received.

The committee name must include the senator’s name, the economic interest, goal or purpose of the California Museum Curators, and whether the committee supports or opposes the measure. Examples of names would include: “Increase Funding for State Museums, Yes on Proposition 114, Supported by Senator O’Leary and Curators for Improving Museums” or “Yes on Proposition 114, a Measure to Fund State Museums, Supported by Senator O’Leary and Advocates for Museum Funding.”
General Purpose Ballot Measure Committees

The name of a general purpose ballot measure committee must include both of the following, if applicable:

- **Sponsor.** If the committee is sponsored, the name of the sponsor. If the committee has more than one sponsor and the sponsors are members of an industry or other identifiable group, a term indentifying the industry or group.

- **Controlling State Candidate.** If the committee is controlled by a state candidate, the last name of the controlling candidate, as well as expressly stating that it is a ballot measure committee.

The following are examples of acceptable names for general purpose ballot measure committees.

**Ex 1.14** - Assembly Member Chiu controls a primarily formed ballot measure committee to support a statewide measure to increase the sales tax. Other contributions are less than $5,000.

The committee name must include the Assembly Member’s last name, expressly state that it is a ballot measure committee, and the committee’s position on the measure. “Assembly Member Chiu’s Ballot Measure Committee to Support Proposition 115.”

**Ex 1.15** - Senator White is raising funds for future ballot measures related to education reform. The general purpose ballot measure committee name may be: Education Performance, a committee controlled by Senator White or Californians for Education Reform, a committee controlled by Senator White.

**Ex 1.16** - A trade association collects contributions for its general purpose ballot measure committee which supports or opposes health related measures depending upon the particular measure’s content. Because the trade association qualifies as a sponsor, the trade association’s name must be in the name of the committee. For example, Voters for Wellness, sponsored by the ABC trade association or ABC trade association’s sponsored issues committee.
E. Multi-Purpose Organizations

Some organizations that are established for purposes other than making contributions or independent expenditures may, at times, make political expenditures from a fund that has not been segregated for political payments. Such organizations are subject to the same disclosure rules as those organizations that maintain a separate and distinct account for political expenditures.

Multi-purpose organizations are very diverse. Common examples are nonprofit organizations and federal or out-of-state political action committees. In addition, local clubs that generally focus on educational and social activities may sometimes qualify as a recipient committee if they make political expenditures.

FPPC Regulation 18215 sets out the rules for those organizations to determine when they qualify as a recipient committee. Generally, there is a presumption that a donor does not have reason to know that all or part of a payment made to a multi-purpose organization will be used for political activities in California unless the organization has made contributions or expenditures of at least $1,000 in the current calendar year or any of the immediately preceding four calendar years. FPPC Regulation 18412 sets out specific rules for identifying donors whose funds must be reported as being made for political purposes. (See Chapter 9.)

A multi-purpose organization making contributions directed toward a single ballot measure or two or more measures being voted on in the same election will qualify as a primarily formed ballot measure committee.

Ex 1.17 - Charity for Children, a nonprofit organization, provided the services of two full-time employees to a ballot measure committee to help with mailings, telephone calls, and other associated campaign activity, at a cost of $6,000 per month for three months. The services valued at $6,000 are considered nonmonetary contributions to the ballot measure committee. Charity had also made a monetary contribution of $5,000 earlier that year to the same ballot measure committee and had not made contributions to any other committee. Because all of Charity’s contributions were made to a single ballot measure committee, Charity qualifies as a primarily formed ballot measure committee.
Multi-Purpose Organizations Qualifying as a Major Donor or Independent Expenditure Committee

A multi-purpose organization that does not qualify as a recipient committee may become a major donor committee or an independent expenditure committee if it makes a substantial contribution or expenditure to influence a state or local election. An organization that makes a one-time contribution of $10,000 or more will qualify as a major donor committee. Similarly, an organization that makes a one-time independent expenditure of $1,000 or more will qualify as an independent expenditure committee. See Campaign Disclosure Manuals 5 and 6 for additional information about major donor and independent expenditure committees.

Ex 1.18 - Citizens for Public Libraries is a multi-purpose organization. One year, the organization sent a mailer to its members asking for $500 for the sole purpose of supporting library bond measures in two different counties. Since the measures are being voted on in two different counties, the organization will qualify as a general purpose committee, not a primarily formed ballot measure committee.

Ex 1.19 - A federal political action committee (PAC) made its first California contribution in the amount of $40,000 to a state ballot measure committee. The federal committee qualified as a major donor committee when the $40,000 contribution was made and must disclose its contribution on the Major Donor and Independent Expenditure Committee Campaign Statement (Form 461). Since the contribution made by this committee was more than $25,000, the committee must file electronically. Additional contributions made in connection with California elections will likely require the federal committee to register as a recipient committee. Additional contributions made in connection with California elections will likely require the federal PAC to register as a recipient committee.

Event-Based Independent Expenditure Reporting

A multi-purpose organization that occasionally makes independent expenditures from its general treasury to support or oppose a state or local ballot measure may qualify for simplified reporting. FPPC Regulation 18413 provides an event-based reporting alternative for certain 501(c)(3) and 501(c)(4) organizations. Eligible organizations are not required to file a Statement of Organization (Form 410) and file ongoing reports as a recipient committee. Alternatively, these organizations are permitted to disclose the payments on independent
expenditure reporting forms that are required when an independent expenditure is made. For additional information about event-based reporting, see Regulation 18413.

F. Completing the Statement of Organization (Form 410)

Before money is raised or spent in connection with an election, committee treasurers should become familiar with the various campaign disclosure forms applicable to the type of campaign or committee involved.

Committee Fees

All committees that file a Form 410 must pay a $50 fee to the Secretary of State no later than 15 days after the Form 410 is filed. Committees must pay the fee annually by January 15 until the committee terminates. Committees that are created and pay the initial $50 fee in the last three months of a calendar year are not subject to the annual fee in the subsequent year.

A committee that fails to timely pay the fee is subject to a penalty of $150.

Statement Type

Check the “Initial” box if this is the first filing and indicate the date on which the committee met the $1,000 threshold or check the “Not Yet Qualified” box if the threshold has not been met. If the “Not Yet Qualified” box is checked, an amended Form 410 must be filed within 10 days of reaching the $1,000 threshold to provide the date the committee qualified.
Committee Name

Provide the full name of the committee. See discussion on previous pages and on the form instructions.

Committee Address

Use a street address as the address of the committee. A post office box may be used as a mailing address. The committee may have more than one mailing address.

County of Domicile

Indicate the county in which the committee is located. This may be different than the county in which the committee is active.
Verification

The treasurer or assistant treasurer must complete the verification. In the case of a controlled committee, both the treasurer or assistant treasurer and the candidate/state ballot measure proponent must complete. If the controlling candidate/state ballot measure proponent serves as the treasurer, he/she must sign on both lines.

When two or three candidates control a committee, each candidate must sign the verification. If more than three candidates control the committee, one of the candidates may sign on behalf of all controlling candidates.

Bank Account

Report the name and address of the financial institution where the committee’s campaign bank account is located, as well as the campaign bank account number. If a bank account has not been opened at the time of filing an “Initial” Form 410, amend the Form 410 within ten days of opening the bank account to provide this information.
Type of Committee

Primarily Formed Ballot Measure Committees

Identify the measure’s title and, if assigned, the ballot number or letter. State the measure’s jurisdiction and whether the committee supports or opposes the measure.

State committees: Prior to the assignment of a state ballot measure number, a committee must also include the Attorney General’s Office assigned identification number and title if the committee is one that:

- Submits the proposed state ballot measure to the Attorney General’s Office for title and summary;
- Is primarily formed for the measure; or
- Spends $100,000 or more on circulation of petitions for the state ballot measure.

State and local committees must also complete the sponsored or controlled sections, if applicable.

General Purpose Ballot Measure Committees

Mark the appropriate state, county or city box, and provide a brief description of the committee’s political activities, such as the types of measures it supports or opposes.

General Purpose Ballot Measure Committees Controlled by State Candidates and Officeholders

A general purpose ballot measure committee controlled by a state candidate or officeholder must identify each measure on which the committee anticipates spending, or has spent $50,000 or more in a two year period beginning with January 1 of an odd-numbered year. A description of the anticipated measure’s purpose must be identified if the measure has not yet received a ballot designation letter or number. Committee expenditures are restricted to only those related to the measures identified and reasonable fundraising and operating costs. Such committees may not make a contribution to a controlled committee for elective office and other restrictions apply. See FPPC Regulation 18521.5.

Quick Tip

Committees formed to support or oppose the recall of an officeholder are considered primarily formed ballot measure committees. Officeholders may choose to use their existing campaign committees from their last election.
G. When & Where to File the Form 410

The original and one copy of the Form 410 are filed with the Secretary of State within 10 days of raising $1,000 or more in contributions in connection with a measure.

File the Form 410 with:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

In addition, if the committee is primarily formed to support or oppose a county or city measure, a copy of the Form 410 must be filed with the county registrar or city clerk, respectively, within the same time frame. The Form 410 may be filed prior to raising $1,000, but then must be amended within 10 days to disclose the date qualified as a committee.

Ex 1.17 – A city council votes to place a bond measure on the ballot. Following the vote, a group of citizens open a bank account and begin collecting money to oppose the measure. The group must file a Statement of Organization, Form 410, within 10 calendar days of raising $1,000. The committee is also subject to quarterly, semi-annual, and preelection statements, as well as special reports as discussed in this manual.

Committee ID. Upon receipt of the Form 410, the Secretary of State’s office will assign the committee an identification number. This number is used on all reporting forms. You may check the Secretary of State’s website for your committee’s identification number by going to www.sos.ca.gov. Click on the Campaign Finance link and type the name of your committee in the Cal-Access Search space. Contact the Secretary of State’s office at (916) 653-6224 with any other questions about committee identification numbers.

Although the Secretary of State assigns committee identification numbers, because the numbers are required on FPPC forms, many people refer to the numbers as “FPPC ID numbers.”

If a person or group qualifies as a committee within the 90 days before the election, contributions received of $1,000 or more are required to be disclosed within 24 hours. See Chapter 8 for information about the Form 497 (24-Hour Contribution Report).
24-Hour Deadline for the Form 410

A primarily formed ballot measure committee that qualifies during the last 16 days before the election must file Form 410, within 24 hours of qualifying. The Form 410 must be provided to the filing officer with whom the committee will be filing its original campaign disclosure statements by fax, guaranteed overnight delivery, online transmission or personal delivery. In addition, an original Form 410 must be filed with the Secretary of State within 10 days of qualifying as a committee (regular mail may be used).

Amendments to the Form 410

When any information on the Form 410 changes, a committee must file an amendment within 10 days of the change. However, an exception exists for committees amending their statement of organization to include the numerical or letter designation of the ballot measure. Within 30 days of the number or letter designation for the ballot measure, a committee primarily formed to support or oppose the measure must include the statement, “a committee for Proposition ____,” or, “a committee against Proposition ____,” whichever is applicable, in any reference to the committee required by law, including the name of the committee.

24-Hour Deadline for Amendments to the Form 410

Changes to important information require a primarily formed ballot measure committee to file an amendment within 24 hours. If, during the last 16 days before the election, any of the following changes occur, the committee must file the Form 410 within 24 hours with the filing officer with whom the committee files its original campaign statements:

- The name of the committee
- The treasurer or other principal officers
- Any candidate or state ballot measure proponent who controls the committee
- Any committee with which the committee acts jointly
The amendment provided to the filing officer with whom the committee files its original campaign statements must be delivered by personal delivery, guaranteed overnight delivery, fax, or online transmission. The amendment must also be filed with the Secretary of State within 10 days.

H. Campaign Reports

During the 90 days prior to an election, a primarily formed ballot measure committee is required to report contributions received of $1,000 or more within 24 hours. The Form 497 (24-Hour Contribution Report) is often the first report a committee is required to file. See Chapter 6 for more information about the Form 497.

In addition, the committee is required to file quarterly, semi-annual, and pre-election statements. The Form 460, which details contributions received and expenditures made by the committee, is the main committee report and is used for quarterly, semi-annual, and pre-election statements. Committees with little or no activity in a reporting period may be eligible to use the Form 450 (Short Form) or Form 425 (Semi-Annual Statement of No Activity). See Chapter 9 for additional information.

Answering Your Questions

A. Must we wait until $1,000 is received to file a Form 410?

No. You may file a Form 410 prior to committee qualification. Check the "Not Yet Qualified" box. When the committee qualifies, file an amendment within 10 days to report the date of qualification.

B. May our committee use a mail receiving and forwarding service, such as Mail Boxes Etc., as the committee’s street address on the Form 410?

No. A post office box or lock box number is not acceptable as a street address. You may use a post office box address on...
a mass mailing as long as you indicate this address as your mailing address on the Form 410.

C. As the state ballot measure proponent, may I be the designated treasurer on the Form 410?

Yes, you may be the treasurer or assistant treasurer.

D. An elected officeholder made a $10,000 contribution to a noncontrolled ballot measure committee. Must the officeholder’s name be included in the name of the ballot measure committee?

No. The officeholder’s name would be required only if the officeholder (and/or his or her controlled committee) was a major contributor of $50,000 or more.

E. Our political action committee has been registered for several years as a general purpose recipient committee and has supported and opposed candidates and measures in various elections. This year, the committee plans to raise and spend the majority of its funds to support a county ballot measure. Must we amend our registration to become a primarily formed ballot measure committee?

Possibly. An existing committee that has reason to know it may qualify as a primarily formed committee must review its status on a quarterly basis to determine whether it is primarily formed. If, upon review, the committee has made more than 70 percent of its total contributions and expenditures to support the county ballot measure, it will be required to change its status from general purpose to primarily formed. (See Regulation 18247.5.)
F. May a candidate control a ballot measure committee? If so, must the candidate file a Form 501 (Candidate Intention Statement) for the committee?

A candidate may control a ballot measure committee so long as the committee’s funds are not used to support the candidate’s election, or for contributions or independent expenditures in connection with a candidate. This manual addresses special rules for such committees. Campaign funds may not be commingled with personal funds. No Form 501 is required.

G. Is my committee required to file a Form 497 even if we have not yet filed the Form 410?

Yes, if the committee is formed within the 90 days before the election. Because the Form 497 is required to be filed within 24 hours of receiving a contribution of $1,000 or more, and generally the Form 410 is not due until 10 days after qualifying as a committee (receiving $1,000 or more), the committee may be required to file the Form 497 before the Form 410 is due.

Authority

The following Government Code Sections and Title 2 regulations provide authority for the information in this chapter.

Government Code Sections

81004 Reports and Statements; Perjury; Verification.
81004.5 Reports and Statements; Amendments.
81007 Mailing of Report or Statement.
82007 Candidate.
82013 Committee.
82016 Controlled Committee.
82027.5 General Purpose Committee.
82035.5 LAFCO Proposal.
82036 Late Contribution.
82043 Measure.
82047.5 Primarily Formed Committee.
82047.6 Principal Officer.
82047.7 Proponent of a State Ballot Measure.
82048.7 Sponsored Committee.
82051 State Measure.
84101.5 Annual Fees.
84102 Statement of Organization; Contents.
84103 Statement of Organization; Amendment.
84106 Sponsored Committee; Identification.
84107 Ballot Measure Committee; Identification.
84203 Late Contribution; Reports.
84215 Campaign Reports and Statements; Where to File.
84250 Applicability to LAFCO Proposals.
84251 Payment for Political Purposes (LAFCO).
84504 Ballot Measure Committee Name.
84505 Avoidance of Disclosure.
85309 Online Disclosure of Contributions.
85315 Elected State Officeholder Recall Committees.

Title 2 Regulations

18247.5 Primarily Formed Committees.
18402 Committee Names.
18402.1 Principal Officers.
18410 Statement of Organization.
18419 Sponsored Committees.
18427.5 Primarily Formed Committees.
18450.3 Committee Name Identification. Advertisement Disclosure.
18521.5 Ballot Measure Committees Controlled by Candidates for Elective State Office.
18531.5 Recall Elections.