

# 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 \$2,000 or more in a calendar year for the qualification, passage, or defeat of a ballot measure or ballot measures. Certain multipurpose organizations (i.e., nonprofits) may qualify as ballot measure committees. (See Chapter 13.)

## 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). A proposition becomes 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.

### Quick Tip

When petitions hit the street, the proposal becomes a “measure” and reporting applies.

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.

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

## B. Recall Elections

A recall election has the characteristics of both a ballot measure election and a candidate election:

- (1) Should the officeholder be recalled? (Ballot measure election.)
- (2) Who should replace the recalled officeholder? (Candidate election.)

A committee that is formed to support or oppose the recall is considered to be a primarily formed ballot measure committee and should use this manual. An officeholder who is the subject of a recall should use this manual if he or she establishes a new committee for the purpose of defeating the recall. An officeholder who uses his or her election committee to oppose the recall should use the campaign manual for candidates. A candidate to replace the officeholder should also use the campaign manual for candidates. See FPPC Regulation 18531.5 for more information about recall elections. Local jurisdictions may have additional disclosure requirements for recall committees. Contact the local agency for guidance.

## C. Multipurpose Organizations Spending on Ballot Measures

If a multipurpose organization (e.g., nonprofit, federal PAC, out-of-state PAC) makes contributions or expenditures to support or oppose a ballot measure, the organization may be required to file campaign reports. If the organization makes independent expenditures of \$1,000 or more to support or oppose a ballot measure, it will qualify as an independent expenditure committee. (Campaign Disclosure Manual 6 describes the reporting requirements for independent expenditure committees.) If the organization makes contributions of \$10,000 or more to support or oppose a ballot measure, it will qualify as a major donor committee. (Campaign Disclosure Manual 5 describes the reporting requirements for major donor committees.)

If a multipurpose organization makes contributions or expenditures totaling more than \$50,000 in a period of 12 months or more than \$100,000 in a period of four consecutive calendar years, or specifically solicits funds to use on a measure, it may qualify as a recipient committee and be required to disclose its political expenditures and the donors whose funds were used to make the expenditures. See Chapter 13 for the reporting requirements for multipurpose organizations that are making contributions or expenditures to support or oppose California ballot measures.

**Ex 1.1** - Citizens for Public Libraries is a multipurpose 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 \$2,000 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.

### Quick Tip

A multipurpose organization (MPO) spending on a ballot measure that qualifies as a recipient committee (as described in Chapter 13) will qualify as a primarily formed ballot measure committee or a general purpose ballot measure committee. When determining which type of committee they qualify as, the organization includes only its payments for contributions and expenditures in California. Many MPOs qualify as primarily formed if they are spending on one measure or measures on one ballot.

## D. Determining if the Committee is Primarily Formed or General Purpose

### “Primarily Formed” Ballot Measure Committees

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

#### Quick Tip

Primarily formed committees that qualify within 90 days before the election, or on the date of the election, are required to report contributions of \$1,000 or more received during those 90 days or on the date of the election within 24 hours. If the committee qualifies outside of the 90-day election cycle, it must report contributions received of \$5,000 or more within 10 days.

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-election reporting period.

**New committees:** A committee that is formed within six months of a statewide regular primary or general 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 under certain circumstances.

Any other committee that is formed within six months of an election in connection with which the committee makes contributions and expenditures must determine if it is primarily formed at the end of each month prior to the election. The review is not required if the committee has not made contributions and/or expenditures of \$1,000 or more to support or oppose measures during that month.

**Ex 1.2** - A local agency places a question on the November ballot to outlaw cigarette smoking anywhere within the city limits. A group of citizens raises \$2,000 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 1.3** - 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 1.4** - 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 1.5** - 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.

## “General Purpose” Ballot Measure Committees

A “**general purpose**” ballot measure committee is formed to support or oppose ballot measures in more than one election or in more than one jurisdiction. Typically, a general purpose ballot measure committee’s purpose is related to a specific issue(s). These committees are often referred to as “issues” committees and will spend money in connection with ballot measures related to the specific issue(s). While a primarily formed ballot measure committee is typically formed for a single election, a general purpose ballot measure committee may be active for a number of years.

## E. Changing Committee Status from General Purpose to Primarily Formed

A general purpose ballot measure committee is required to review its expenditures on a quarterly basis if it is close to triggering the primarily formed committee threshold because its spending is concentrated on a single measure or two or more measures on a single ballot.

If a general purpose committee, after reviewing its expenditures, determines that more than 70 percent of its total contributions and expenditures made were to support or oppose a single measure or two or more measures on the same ballot, it must change its status to a primarily formed ballot measure committee if the committee also:

- Made at least \$100,000 of contributions and/or expenditures to support or oppose a single state measure or two or more state measures on the same ballot; or
- Made at least \$10,000 of contributions and/or expenditures to support or oppose a single local measure or two or more local measures on the same ballot.

If it is determined that the committee's status has been changed to "primarily formed," the committee must file an amended Form 410 to change the committee type and the committee name. The committee naming requirements are discussed later in this chapter.

A general purpose ballot measure committee that becomes primarily formed within 90 days prior to an election must maintain its primarily formed status up to the date of that election and through the end of the post-election reporting period.

A primarily formed ballot measure committee has different reporting requirements than a general purpose ballot measure committee. Some of the key differences are:

- **Committee Name:** A primarily formed ballot measure committee must include specific identifying information in the committee name, such as the measure number or letter, whether the committee supports or opposes the measure, and information related to its contributors of \$50,000 or more.
- **Advertisement Disclaimers.** A primarily formed ballot measure committee must include specific disclaimers on certain advertisements.
- **24-Hour Reports.** A primarily formed ballot measure committee must report receipt of each contribution totaling \$1,000 or more within 24 hours during the 90 days before the election, including the date of the election.

- **State Committees - \$5,000 Reports.** A **state** primarily formed ballot measure committee that is required to file electronically must report each contribution of \$5,000 or more received at any time other than during the 90-day election cycle within 10 days.

## F. Controlled and Sponsored Ballot Measure Committees

A ballot measure committee may also be “controlled” by a candidate or state ballot measure proponent, or it may be “sponsored” by an entity or organization.

### Controlled Ballot Measure Committees

A ballot measure committee is considered to be controlled by a candidate if the candidate (or his or her representative) has significant influence on the actions or decisions of the committee. A primarily formed or general purpose ballot measure committee that is controlled by a state or local candidate has additional disclosure requirements when reporting expenditures made for gifts, meals, and travel. (See Chapter 9.) If the committee is controlled by a state candidate, it is also subject to certain restrictions and other additional reporting requirements, as discussed throughout this manual. (See FPPC Regulations 18421.8 and 18521.5 for more information.)

A ballot measure committee is considered to be controlled by a state measure proponent if the proponent or his or her agent has significant influence on the actions or decisions of the committee.

### Sponsored Ballot Measure Committees

A ballot measure committee is considered to be sponsored by an entity or organization if the entity or organization (including a multipurpose 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 the administrative services for the committee.
- Sets the policies for soliciting or spending committee funds.

#### Quick Tip

A committee may have more than one sponsor, but an individual is never considered a sponsor. If you are uncertain whether your committee is controlled or sponsored (it cannot be both), contact the FPPC.

## G. Qualifying and Registering as a Primarily Formed Ballot Measure Committee

A person or group qualifies as a primarily formed ballot measure committee upon receiving contributions of \$2,000 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 qualifying as a committee. If the person or group raises \$2,000 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 person or group begins to raise contributions after the proposal becomes a measure, the 10-day period begins on the day the group raises \$2,000 or more.

Once a person or group qualifies as a committee, reporting obligations are triggered, including the 24-hour contribution reports. If the committee qualifies in the 90 days before the election, or on the date of the election, it must file the Form 497 (24-hour Contribution Report) to report contributions received of \$1,000 or more within 24 hours.

**The Form 497 is often the first report a committee must file. See Chapter 8 for more information about the Form 497.**

### Committees Primarily Formed to Oppose the Qualification of a Measure

A committee that is formed to oppose the qualification of a measure must begin to file campaign disclosure statements 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 \$2,000 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).

**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.



## H. Reporting Contributions and Expenditures Before the Proposal Became a Measure

Once a proposal becomes a measure, a primarily formed ballot measure committee must begin reporting contributions received and expenditures made, including certain contributions received and expenditure made before the proposal became a measure.

### Contributions Received Before the Proposal Became a Measure

The committee must disclose the names of contributors who knew or had reason to know their contributions would be used to support or oppose the qualification or passage of the measure. A contributor 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.

### Expenditures Made Before the Proposal Became a Measure

The following expenditures may be reportable even if the payments were made before the proposal became a measure:

- The cost of a poll or survey if the results are 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 related 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 the results are not used in a communication to influence voters.
- 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 expenditures:

- 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.

## I. Receiving Funds for Litigation Expenses

If a person or group receives payments for litigation expenses related to a ballot measure (e.g., to challenge the measure's placement on the ballot), and the payments are received for "political purposes," the person or group may qualify as a recipient committee. The determination as to whether or not the payments are received for political purposes is based on the facts of the case. It is best to email your facts to the FPPC for advice, but some common issues relating to litigation are described below.

### Quick Tip

If an existing committee pays for litigation expenses in connection with a ballot measure, the expenses are reportable.

- **Measure's Description.** Generally, if a person or group raises money to challenge the wording of a measure's description in the ballot pamphlet, the payments are made for the purpose of influencing voters, so they may cause the person or group to become a recipient committee.
- **Petition Signatures.** If a person or group raises money to challenge the validity of petition signatures, if the outcome is expected to affect the election, the payments may cause the person or group to become a recipient committee.
- **Constitutionality.** If a person or group receives money for the sole purpose of challenging the constitutionality or legality of a newly-enacted law approved by a ballot measure, such payments are generally not made to influence voters and the person or group would not become a recipient committee.

## J. Naming a Primarily Formed Ballot Measure Committee

The Act requires that primarily formed ballot measure committees include specific identifying information in the committee's name, including each of the following:

- **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 identifying the industry or group.
- **Controlling Candidate.** If the committee is controlled by a **state or local** candidate, the last name of the controlling candidate. If the committee is controlled by a **state** candidate, the committee name must also expressly state 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 contributed cumulatively \$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.

### Quick Tip

Ballot measure committees controlled by state elected officials or candidates are subject to additional restrictions. See Regulation 18521.5.

### Quick Tip

The FPPC provides free advice to committees on naming and top contributor identification issues.

- 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.

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.

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.”

**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.”

## K. Qualifying and Registering as a General Purpose Ballot Measure Committee

Typically, a general purpose ballot measure 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 \$2,000 or more in a calendar year, the person or group qualifies as a general purpose ballot measure committee.

The committee must file a Statement of Organization (Form 410) within 10 calendar days of qualifying as a committee and begin reporting contributions received and expenditures made on the campaign reports discussed in this manual.

## L. Naming a General Purpose Ballot Measure Committee

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 identifying the industry or group.
- **Controlling Candidate.** If the committee is controlled by a **state or local** candidate, the last name of the controlling candidate. If the committee is controlled by a **state** candidate, the committee name must also expressly state that it is a ballot measure committee.

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

**Ex 1.17** - 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.

**Ex 1.15** - Several corporations begin soliciting funds for the purpose of opposing several foreseeable environmental measures relating to water distribution rights. At the time donors were solicited there was discussion of a possible local measure or a state referendum; however no measure had qualified for a ballot. The group will not make expenditures in connection with candidate elections or to other political committees such as a political party. The group is a general purpose ballot measure committee.

**Ex 1.16** - Senator White is raising funds for future ballot measures related to education reform. Acceptable names for the general purpose ballot measure committee include "Education Performance, a ballot measure committee controlled by Senator White" or "Californians for Education Reform, a ballot measure committee controlled by Senator White."

## M. 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. This section describes how to complete and the file the Statement of Organization (Form 410).

A recipient committee is required to file the Form 410, which provides the public with information about the purpose of the committee and identifies the committee's treasurer. The Form 410 also identifies the committee's controlling candidate or state measure proponent, if any. A ballot measure committee that is not controlled by a candidate must identify the committee's "principal officer(s)."

A principal officer is an individual that is responsible for the following type of activities:

- Authorizing the content of committee communications
- Authorizing expenditures
- Determining the committee's campaign strategy

If the committee has more than three principal officers, only three must be identified on the Form 410.

### Annual 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.

### Committee ID Number

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 campaign forms. After filing the Form 410, the committee may go to the Cal-Access section of the Secretary of State's website to obtain the committee identification number. Contact the Secretary of State's office at (916) 653-6224 with any other questions about committee identification numbers.

#### Quick Tip

If a person or group qualifies as a committee within the 90 days before an election, including the date of the election, and the committee receives contributions of \$1,000 or more or makes contributions of \$1,000 or more to a candidate or another ballot measure committee, the Form 497 (24-hour Contribution Report) must be filed. The Form 497 may be required before the committee ID number is assigned. See Chapter 8 for information about the Form 497.

#### Quick Tip

The committee ID number is generally assigned within 7 – 10 days after the Secretary of State's office receives the Form 410.

#### Quick Tip

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."





## 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 and Jurisdiction Where Committee is Active

Indicate the county in which the committee is located and the jurisdiction where the committee is active and must file its campaign statements (i.e., State, County of Sacramento, City of San Diego).

## 2 Treasurer, Assistant Treasurer, and Other Principal Officers

The committee must have a treasurer and may have an assistant treasurer. Report the names of the treasurer and assistant treasurer along with their mailing addresses and phone numbers. If the committee has principal officers other than the treasurers, list each officer's full name, position held, and street address. If no individual other than the treasurer has the responsibility for approving the political activity of the committee, the treasurer must be identified as both the treasurer and the principal officer.

## 3 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

On page 2 of the Form 410, enter 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.

**4** **Type of Committee** Complete the applicable sections.

**Controlled Committee**

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

**Primarily Formed Committee** Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
Proposition 2: Improving our education system	Prop 2 statewide	SUPPORT <input checked="" type="checkbox"/>	OPPOSE <input type="checkbox"/>
		SUPPORT <input type="checkbox"/>	OPPOSE <input type="checkbox"/>

**4. Type of Committee** (Continued)

**General Purpose Committee** Not formed to support or oppose specific candidates or measures in a single election. Check only one box:  
 CITY Committee  COUNTY Committee  STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

**Sponsored Committee** List additional sponsors on an attachment.

NAME OF SPONSOR	INDUSTRY GROUP OR AFFILIATION OF SPONSOR
Education Leaders Association	Teachers organization

STREET ADDRESS	NO. AND STREET	CITY	STATE	ZIP CODE
222 E. Elm St.		Sacramento	CA	95814

**Small Contributor Committee**  \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date qualified

## 4 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.

If a general purpose ballot measure committee is controlled by a state candidate or officeholder, 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, must be identified. If the measure has not yet received a ballot designation letter or number, a description of the anticipated measure's purpose must be identified. 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 candidate controlled committee for elective office. Other restrictions also apply. See FPPC Regulation 18521.5 for additional information.

#### **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.

## N. 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 \$2,000 or more in contributions in connection with a measure.

File the Form 410 with:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> 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 \$2,000, but then must be amended within 10 days to disclose the date qualified as a committee.

### 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).

**Ex 1.18** – 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 \$2,000. The committee is also subject to quarterly, semi-annual, and preelection statements, as well as special reports as discussed in this manual.

#### Quick Tip

If a person or group qualifies as a committee within the 90 days before the election or on the date of 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).

## 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.

**Ex 1.19** – Fourteen days before a county election, the group opposing Measure A received a contribution of \$900 bringing their cumulative contributions received to date to \$2,250. Because they qualified as a committee within 16 days before the election on which the ballot measure would be voted, they must file the Form 410 with the **county registrar** within **24 hours** of qualifying as a committee. They must also file an original Form 410 **within 10 days with the Secretary of State**.

**Ex 1.20** – The Committee to Protect Our Coast qualified as a committee in May. On July 15, the Secretary of State issued the designated number of the measure for the ballot. By August 14, the committee must file another Form 410 amending its name to include the ballot number and the committee’s position. For example, Committee to Protect Our Coast, A Committee for Proposition 310.

## O. Campaign Reports

During the 90 days prior to the election, including the date of the election, a primarily formed ballot measure committee is required to report contributions received of \$1,000 or more within 24 hours on the Form 497. At any time other than during the 90-day election cycle, a primarily formed committee must report contributions received of \$5,000 or more within 10 business days on the Form 497. The Form 497 (24-hour Contribution Report) is often the first report a committee is required to file. See Chapter 8 for more information about the Form 497.

In addition, the committee is required to file quarterly, semi-annual, and preelection 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 preelection 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.

### Quick Tip

State ballot measure committees are required to file electronically with the Secretary of State once they receive contributions totaling \$25,000 or more, or make expenditures totaling \$25,000 or more. See Chapter 10 for information about electronic filing requirements.

## Answering Your Questions

**A. Must we wait until \$2,000 is received to file the Form 410 (Statement of Organization)?**

No. You may file the 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 as the committee’s street address on the Form 410 (Statement of Organization)?**

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 (Statement of Organization)?**

Yes, you may designate yourself as the treasurer or assistant treasurer.

**D. Our non-controlled ballot measure committee received a \$10,000 contribution from an elected officeholder. Must the officeholder’s name be included in the name of our 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 to support or oppose another 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 the Form 497 (24-hour Contribution Report) even if we have not yet filed the Form 410 (Statement of Organization)?**

Yes, if the committee is formed within the 90 days before the election, including the date of 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 \$2,000 or more), the committee may be required to file the Form 497 before the Form 410 is due.



**H. Over two years ago, our ballot measure committee, Yes on Measure X, Citizens For Grape Valley Expansion, received a contribution of \$35,000 from James & Johansen Housing Developments, LLC. Last week we received another contribution of \$15,000 from the company. Now that we have received \$50,000, must we include a name or phrase that identifies the company in our committee name even though the first contribution was received over two years ago?**

Yes. There is no specific timeframe in which the contributions must be aggregated. Once a single source has contributed \$50,000 or more to your committee, the committee name must include a name or phrase to identify the contributor. For example, “Yes on Measure X, Citizens for Grape Valley Expansion, major funding by builders.” A Form 410 amendment must be filed within 10 days to reflect the new committee name (or within 24 hours if the change occurs in the 16 days prior to the election).

## 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 Statement of Organization; Filing.
- 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.
- 84222 Multipurpose Organizations.
- 84250 Applicability to LAFCO Proposals.
- 84251 Payment for Political Purposes (LAFCO).
- 84504 Ballot Measure Committee Name.
- 85315 Elected State Officeholder Recall Committees.

## Title 2 Regulations

- 18227.5 General Purpose Committees: State, County or City.
- 18247.5 Primarily Formed Committees.
- 18402 Committee Names.
- 18402.1 Principal Officers.
- 18410 Statement of Organization.
- 18417 Campaign Reporting – LAFCO Proposals.
- 18419 Sponsored Committees.
- 18422 Nonprofit and Multipurpose Organization Political Activity Transparency.
- 18450.3 Committee Name Identification. Advertisement Disclosure.
- 18521.5 Ballot Measure Committees Controlled by Candidates for Elective State Office.
- 18531.5 Recall Elections.