

# State of California



## Fair Political Practices Commission

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April 9, 1984

Burk E. Delventhal  
Deputy City Attorney  
City Hall, Room 206  
San Francisco, CA 94102

Re: Advice Letter No. A-84-075

Dear Buck:

This letter is to confirm my advice to you concerning the campaign reporting provisions of the Political Reform Act. Specifically, you asked how a candidate should report the receipt of a check for \$100, drawn on the account of John Smith and signed by John Smith. You asked me to assume both that the candidate knows that Mary Smith is John's spouse, and that there are no facts demonstrating that the check was drawn from separate funds.

### DISCUSSION

For the purposes of disclosure under the Political Reform Act, a candidate or committee who receives a contribution from a married individual must assume that the contribution is from joint, rather than separate, funds. This presumption will be refuted if the individual informs the candidate or committee that the contribution is from legally separate funds.

Under the facts you presented, the contribution will be reported as being from John Smith, but it will be cumulated with any other contributions received from John Smith, Mary Smith or John and Mary Smith. If a contribution has been cumulated with a contribution from a spouse, the FPFC recommends that the filer indicate this next to the reported contribution, in order to avoid confusion.

If you have any additional questions, please feel free to contact me at 916/322-5901.

Very truly yours,

*Janis Shank McLean*  
Janis Shank McLean  
Counsel, Legal Division

JSM:km