

State of California



Fair Political Practices Commission

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June 18, 1984

Joan Mihay
3485 E. Bellaire Way
Fresno, CA 93726

Re: Advice Letter No. A-84-132

Dear Ms. Mihay:

Thank you for your request for advice on the campaign reporting provisions of the Political Reform Act.

QUESTION PRESENTED

How should a candidate or committee report contributions from married contributors?

DISCUSSION

Government Code Section 82015^{1/} defines the term "contribution" as "a payment ... except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes." Section 84211(f) specifies that:

* * *

(f) If the cumulative amount of contributions ... received from a person is one hundred dollars (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement [a candidate's or committee's campaign statement shall contain the following information concerning the contributor]:

^{1/} Hereinafter all statutory references are to the Government Code, unless otherwise indicated.

- (1) His or her full name;
- (2) His or her street address;
- (3) His or her occupation;
- (4) The name of his or her employer or if self-employed, name of business;
- (5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and
- (6) The cumulative amount of contributions.

The term "person," as used in Section 84211(f), includes "a group of persons acting in concert."^{2/} Thus, a husband and wife acting in concert qualify as a "person" under the Act.

If the cumulative amount of contributions received from spouses amount to \$100 or more, the contributions are required to be reported as follows:

1. If a check is drawn on an account bearing the name of only one spouse, only that spouse's name, street address and occupation are required to be listed on the campaign reports. However, the contribution must be aggregated with additional contributions received from the husband, wife, or both.^{3/} In cases where contributions are cumulated, the FPPC recommends that the filer make a notation next to the reported contribution indicating the names of contributors of other cumulated contributions, in order to avoid confusion.

2. If a check is drawn on a joint account, the candidate or committee is required to list the names and addresses of both

^{2/} Section 82047.

^{3/} This cumulation is required because, absent evidence to the contrary, a contribution from a married individual is presumed to be from joint rather than separate funds. This presumption is refuted if the individual informs the candidate or committee that the contribution is from legally separate funds.

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June 18, 1984
Page 3

spouses, and the occupation and employer of only one of the spouses. However, the Commission is considering altering this advice to require filers to report the occupations of both spouses.

Thank you very much for your letter. 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:plh

May 15, 1984

MAY 15 11:04 AM '84
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It is my understanding that for FPPC reporting purposes, contributions made by spouses are deemed as from a single source. I cannot find this in the law itself and would appreciate your citation re this.

I have reviewed many of the campaign reports filed in Fresno city and county and note that only the husband is named although I know the contribution came from both (e.g. a fundraiser where both husband and wife attended.)

I have also noted other cases where even though the contribution, loan or expenditure is designated as from or to a married couple, only the husband is identified as to occupation.

It seems clear to me that a contribution from a couple should identify both persons by name, address and occupation. Has the Commission issued any ruling re this? If not I would urge you to do so.

I would appreciate a written response as many politically active women in this community are awaiting your reply.

Sincerely,

Joan Mihay

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