



California Fair Political Practices Commission

March 27, 1986

Jan McMillan
Committee to Elect John Gillies
1077 Klish Way
Del Mar, CA 92014

Re: FPPC Advice No. I-86-059

Dear Ms. McMillan:

This is in reply to your letter dated February 13, 1986, concerning the campaign disclosure provisions of the Political Reform Act.

This letter provides advice pursuant to the provisions of the Political Reform Act, and does not address the questions as they may be affected by the City of Del Mar's campaign ordinance. To determine whether there are any provisions in the City of Del Mar's campaign ordinance which may apply to the questions you ask, you must request an interpretation from the City of Del Mar.

You asked if the Committee to Elect John Gillies ("Committee") can buy or accept as an in-kind contribution any or all of the data acquired through a survey conducted by another committee and, if so, what the Committee's reporting requirements would be.

Under the provisions of the Political Reform Act, if the Committee buys the survey results from the other committee at "fair market value," the Committee would report the payment to the other committee on Schedule E of the Form 490. The "fair market value" is whatever it would cost the Committee to purchase the information on the open market. This can be determined and provided to you by companies which are in the business of conducting such surveys, or it may be determined by using the actual costs which were incurred by the committee which conducted the survey.

If the Committee accepts the survey results as an in-kind contribution from the other committee, or pays an amount which is less than the fair market value, the Committee must report the fair market value (or the difference between what it paid and the fair market value) as an "in-kind contribution" from the other committee on Schedule C of the Form 490.

Ms. Jan McMillan
March 27, 1986
Page 2

I hope this clarifies the Committee's reporting requirements with regard to the survey results.

Please call me at (916) 322-5662 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief, Technical Assistance
& Analysis

cc: Helen Arriola
FPPC - Los Angeles

Committee to Elect Joan Gillies
1077 Klisa Way
Del Mar, CA 92014

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February 13, 1986

Fair Political Practices Commission
Legal Division
P. O. Box 807
Sacramento, CA 95804

Ladies and Gentlemen:

I am acting as campaign manager for the Committee to Elect Joan Gillies, one of four candidates running for Del Mar City Council in the April 8 election. A separate citizens committee has conducted a telephone survey, the results of which we think we would find useful. Could you please answer the following questions:

1. Can the Committee to Elect Joan Gillies either buy or accept as an in-kind contribution any or all of the data acquired through the survey?
2. What are our reporting requirements?

Today, I asked these same questions of your staff in Los Angeles and received clear explanations, but I would like to have a written opinion for our records. Thank you for taking the time to do this.

Sincerely,



Jan McMillan
Campaign Coordinator
Committee to Elect Joan Gillies



California Fair Political Practices Commission

February 26, 1986

Jan McMillan
Campaign Coordinator
Committee to Elect John Gillies
1077 Klish Way
Del Mar, CA 92014

Re: A-86-059

Dear Ms. McMillan:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact the Technical Assistance and Analysis Division at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh