



California Fair Political Practices Commission

February 3, 1987

Lance H. Olson
Olson, Connelly & Hagel
431 J Street, Fourth Floor
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-86-3441

Dear Mr. Olson:

You have requested advice on behalf of Assemblymember Phil Isenberg concerning the campaign reporting provisions of the Political Reform Act (the "Act").^{1/}

QUESTIONS

1. Does the Act prohibit a candidate or controlled committee from itemizing contributions received from a single source which has not contributed a cumulative amount of \$100 or more during a calendar year?
2. Does the Act authorize the Secretary of State's Office or any other filing officer to prohibit a candidate or controlled committee from itemizing contributions from a single source which has not contributed a cumulative amount of \$100 or more during a calendar year?
3. Assuming that a candidate or controlled committee may itemize contributions from a single source which has not contributed a cumulative amount of \$100 or more in a calendar year, is the candidate or controlled committee required to list occupation and employer information for those contributors?

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

CONCLUSIONS

1. The Act does not specifically prohibit a candidate or committee from itemizing contributions received from a source which has contributed less than \$100 during the period covered by the campaign statement. However, these contributions should not be itemized for the reasons discussed below.

2. The Secretary of State is responsible for determining whether a particular campaign statement can properly be filed with that office.

3. Reporting of the occupation and employer of a contributor is required only if he or she has contributed \$100 or more during the reporting period.

FACTS

Assemblymember Phil Isenberg has instructed your office to itemize all contributors on his campaign reports regardless of the amount contributed. You currently list all contributors along with the date the contribution was received and the address of the contributor. You do not list the contributor's occupation or employer unless he or she has contributed a cumulative amount of \$100 or more during the calendar year.

The Political Reform Division of the Secretary of State's Office has advised you that you should not itemize contributions received from a single source who has not contributed \$100 or more in a calendar year. Upon receipt of that advice, you decided to seek our advice on the questions listed above.

In your letter to us, you listed three reasons why Assemblymember Isenberg prefers to itemize all contributors. First, he believe in full disclosure of campaign activities. Second, he believes full disclosure is important to demonstrate to voters that his candidacy enjoys broad support and that his support is not limited to special interests. Finally, Assemblymember Isenberg feels that full disclosure will help him to avoid unfair attacks based on receipt of contributions from outside his district since disclosure will reveal that most contributions, especially the smaller ones, come from inside the district.

ANALYSIS

The campaign statements required by the Act must include various information concerning contributions received by the candidate. Section 84211 requires the candidate to disclose:

(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received....

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars (\$100)....

(f) If the cumulative amount of contributions (including loans) 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:

(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 Act does not contain a specific prohibition on itemizing contributions of less than \$100. There are, however, several reasons why an itemization of these contributions should not be included in campaign reports.

First, reports which include pages and pages of contributions of less than \$100 mixed in with contributions equaling or exceeding \$100 will obscure the reportable contributions. This will make it difficult for the public to find the more relevant information.

Second, reports which include pages of contributions of less than \$100 will present several problems for filing officers.^{2/} Additional costs and staff time will be expended reproducing unnecessarily lengthy reports for government entities and members of the public who request copies. Hundreds of pages of extraneous information would require significant increases in limited file space. It would also be extremely time-consuming for filing officers to handle pages and pages of extraneous information searching for the required data which they are required to review.

Finally, many people who contribute less than \$100 do so specifically so they will not be itemized on campaign statements. They do not want to be solicited for contributions from the many committees that use other committees' and candidates' campaign statements to create their mailing lists.

For all these reasons, we do not believe that candidates or controlled committees should itemize contributions received from a single source which has not contributed a cumulative amount of \$100 or more during a calendar year.^{3/} It would seem that Assemblymember Isenberg's purpose could be accomplished by attaching a note to his campaign statement indicating the number of contributions of under \$100 which he received, the number received from individuals in his district, and the total amount of contributions under \$100 received from individuals in his district.

As you know, the Secretary of State is responsible for filing the campaign statements of statewide elected officers. (Section 84215(a).) It is the responsibility of that office to

^{2/} The Secretary of State's Office reportedly has seen reports with hundreds of pages of nonitemizable contributions.

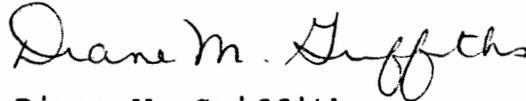
^{3/} Section 84211 requires reporting of the occupation and employer of a contributor only if he or she has contributed \$100 or more during the period covered by the campaign statement.

Lance H. Olson
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determine whether particular campaign statements can properly be filed with the office.

I hope this information assists you. If you have further questions, you may reach me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script that reads "Diane M. Griffiths". The signature is written in dark ink and is positioned above the typed name.

Diane M. Griffiths
General Counsel

DMG:plh

BRUCE J. HAGEL
LANCE H. OLSON
SUSAN CHRISTIAN

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OF COUNSEL
LLOYD G. CONNELLY

DEC 23 8 31 AM '86

December 18, 1986

Ms. Jeanne Pritchard, Chief
Technical Assistance & Analysis Division
Fair Political Practices Division
428 J Street, 7th Floor
Sacramento, CA 95814

RE: Assemblyman Phil Isenberg

Dear Ms. Pritchard:

This office represents Assemblyman Phil Isenberg and his controlled campaign committee known as Friends of Phil Isenberg. The purpose of this letter is to request advice from your office relative to certain reporting responsibilities pursuant to the Political Reform Act of 1974.

Recently this office received a communication from the Secretary of State's Office, Political Reform Division, advising us that we should no longer itemize contributions received from a single source which have not contributed a cumulative amount of \$100 or more in a calendar year. It is that request from the Secretary of State's Office which has prompted this letter.

There are several questions which I would request your advice on:

1. Does the Political Reform Act prohibit a candidate and/or controlled committee from itemizing contributions received from a single source which has not contributed a cumulative amount of \$100 or more during a calendar year?

2. Does the Political Reform Act authorize the Secretary of State's Office or any other filing officer to prohibit a candidate and/or controlled committee from itemizing contributions from a single source which has not contributed a cumulative amount of \$100 or more during a calendar year?

3. Assuming that a candidate and/or a controlled committee may itemize contributions from a single source which has not contributed a cumulative amount of \$100 or more in a calendar year, is the candidate and/or controlled committee required to list occupation/employer information for those contributors.

For your information, Assemblyman Phil Isenberg has instructed this office when completing his campaign reports to

Ms. Jeanne Pritchard

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itemize all contributors regardless of the amount contributed. The practice of this office is to list all such contributors with date received and address, however, occupation/employer information is provided only on those contributors who contribute a cumulative amount of \$100 or more during the calendar year.

Mr. Isenberg has several reasons for itemizing all contributors.

First, Mr. Isenberg firmly believes in full disclosure of campaign activities and is a strong supporter of the Political Reform Act. He takes quite literally the provisions of the Act including Government Code §81002(a) which provides in part

"Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practiced may be inhibited." (emphasis added)

Second, Mr. Isenberg believes full disclosure of all contributors is important to demonstrate to the voters the broad spectrum of support for his candidacy to public office. As you are well aware many organizations, including the FPCC, publish reports relative to amounts of contributions and sources of those contributions.

The implication of many of these studies is to suggest that large contributors and special interest groups dominate political activity in an election. Mr. Isenberg believes that if the public is not specifically informed that individual, smaller contributions have been received it might be misled concerning the true source of support for his candidacy.

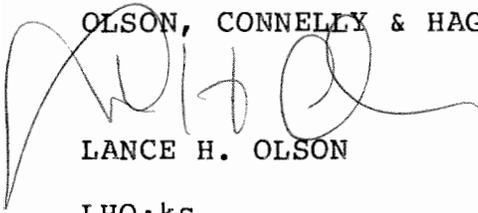
Finally, it is not uncommon for a candidate to be "attacked" during an election relative to the source of contributions to his campaign. Often those attacks suggest that a majority of contributors reside outside the district of the particular candidate. If a candidate is unable to itemize the smaller contributions, most of which traditionally come from within the district, the candidate may be susceptible to such an unfounded charge.

Ms. Jeanne Pritchard
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I would appreciate your response to the above questions at your earliest convenience.

Very truly yours,

OLSON, CONNELLY & HAGEL

A handwritten signature in black ink, appearing to read "Lance H. Olson", is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

LANCE H. OLSON

LHO:ks



California Fair Political Practices Commission

December 30, 1986

Lance H. Olson
Olson, Connelly & Hagel
431 J Street, 4th Floor
Sacramento, CA 95814

Re: 86-341

Dear Mr. Olson:

Your letter requesting advice under the Political Reform Act was received on December 23, 1986 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 more information is needed, you should expect a response within 21 working days. You should also be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
by Dmy
Jeanne Pritchard
Chief, Technical Assistance
and Analysis Division

JP:km

cc: Honorable Phil Isenberg
Assembly, District 10