



# California Fair Political Practices Commission

March 20, 1987

Laurie Tully  
7000 LaPraix, #34  
Highland, CA 92346

Re: Your Request for Advice  
Our File No. A-86-342

Dear Ms. Tully:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.<sup>1/</sup>

## FACTS

In 1986, pursuant to the Knox-Cortese Local Government Reorganization Act of 1985 (Government Code Section 57051, et seq.), the City of San Bernardino proposed the annexation of three areas to the City of San Bernardino.

A group with which you are affiliated raised and spent money for the purpose of gathering signatures to present to the City Council to oppose the annexation proposal.

In June of 1986, the annexation proposal was placed on the City of San Bernardino ballot for the November 1986 election. Subsequent to the time the proposal was placed on the ballot, your group raised and spent additional money to oppose the measure. Less than \$500 was raised and less than \$500 was spent in connection with opposing the measure once it was placed on the ballot.

## QUESTION

Did the group qualify as a committee and incur campaign disclosure obligations because of the money raised and spent in connection with opposing the annexation proposal?

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

CONCLUSION

The annexation proposal did not become a "measure" until such time as the proposal was placed on the ballot. The money raised and spent prior to the time the proposal was placed on the ballot did not constitute campaign contributions or expenditures.

Since the group did not raise or spend \$500 or more in connection with opposing the proposal after it became a "measure," the group did not qualify as a committee and did not incur campaign disclosure obligations.

ANALYSIS

Section 82013 defines "committee," in part, as:

Any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling five hundred dollars (\$500) or more in a calendar year;

\* \* \* \*

Section 82015 and Regulation 18215 define "contribution," in part, as:

A payment for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure. (Emphasis added.)

An annexation proposal under the Knox-Cortese Local Government Reorganization Act of 1985<sup>2/</sup> does not become a "measure" until the local governing body places the proposal on the ballot for confirmation of the voters. (See Fontana Opinion, 2 FPPC Ops. 25 (No. 75-162, February 4, 1976), copy enclosed.)

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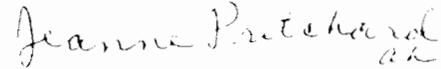
<sup>2/</sup>The conclusion reached in the Fontana Opinion was based on activity in connection with an incorporation proposal under the Knox-Nisbet Act (Section 54773, et seq.). However, the conclusion and analysis contained in the Fontana Opinion apply equally to annexations or other local government organizations or reorganizations under the Knox-Cortese Act, the District Reorganization Act of 1965 (Section 56000, et seq.), or similar provisions of law.

Laurie Tully  
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If you have any questions about this letter, please call me at  
(916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Jeanne Pritchard, Chief  
Technical Assistance and  
Analysis Division

DMG:JP:kmt

cc: San Bernardino City Clerk  
Attn: Doris Reese

December 19, 1986

Alice Hughes  
Fair Political Practices  
P.O. Box 807  
Sacramento, CA 95804-0804

DEC 23 8 59 AM '86

Dear Alice,

Recently you researched some information for me regarding filing campaign disclosures before a ballot measure is created, and raising money to create a ballot measure either through protest or through a petition drive.

Could you please write that information, stating the group does not need to file if they raised money to create a ballot measure, and send me a letter with that stated?

Thank you for your time,

*Laurie Tully*  
Laurie Tully  
7000 LaPraix #34  
Highland, CA 92346



# California Fair Political Practices Commission

December 30, 1986

Laurie Tully  
7000 LaPraix, #34  
Highland, CA 92346

Re: 86-342

Dear Ms. Tully:

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 *Dmg*  
Jeanne Pritchard  
Chief, Technical Assistance  
and Analysis Division

JP:km