



California Fair Political Practices Commission

July 30, 1987

Alice Ivec
341 S. Whipple Street
Fort Bragg, CA 95437

Re: Your Request for Advice
Our File No. A-87-183

Dear Ms. Ivec:

You have requested advice on behalf of Mendocino County Supervisor John Cimolino regarding the campaign disclosure provisions of the Political Reform Act.^{1/} This letter will confirm the telephone advice I provided to you on July 21, 1987.

QUESTIONS

How are donations received to augment a county supervisor's travel budget to be reported? How are payments made from such funds to be reported?

CONCLUSIONS

Donations received for travel in connection with a county supervisor's official duties must be reported as contributions under the campaign disclosure provisions of the Act. Payments made from such funds must be reported as expenditures.

FACTS

You are the campaign treasurer for Mendocino County Supervisor John Cimolino. Mr. Cimolino would like to set up a fund to receive donations and make payments to replace travel funds which have been eliminated from the county budget. Your letter states that the funds will be used only for travel in connection with Mr. Cimolino's official duties.

ANALYSIS

The act requires all donations received by an elected officeholder to be disclosed as either gifts (Sections 87200-87210) or as contributions (Sections 84200-84217). By regulation, the

^{1/}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.

Commission has interpreted the term "contribution" to include a payment received by or made at the behest of:

...A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his or her behest for personal purposes unrelated to his or her candidacy or status as an officeholder.

(Regulation 18215(a)(2)(A),
copy enclosed.)

In an opinion issued to the Mayor Janet Gray Hayes Dinner Committee, 1 FPPC Opinions 210 (No. 75-145, December 4, 1975, copy enclosed), the Commission ruled that funds received by an elected official's campaign committee which are expended for activities related to the officeholder's responsibilities as an elected official and future candidate are properly treated as campaign expenditures. If, however, the funds are used for personal travel expenses, they are a gift to the official and must be reported on his or her statement of economic interests (Form 721) if funds aggregating \$50 in a calendar year are received from a single source (Sections 82030, 87203, 87207).

With regard to reporting donations received for official travel expenses, you may use Mr. Cimolino's current campaign committee, if any, to report the donations received and payments made. Any new committee formed for the purpose of receiving such funds will be a "controlled committee" as defined in Section 82016 and the committee's disclosure reports must be filed at the same time(s) and in the same place(s) as Mr. Cimolino is required to file his regular campaign disclosure reports (Sections 84200-84217).

Enclosed is a copy of the 1987 "Information Manual on Campaign Disclosure Provisions of the Political Reform Act" to assist you in determining the committee's filing obligations. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Diane M. Griffiths
General Counsel



By: Carla Wardlow
Political Reform Consultant

341 S. Whipple Street
Fort Bragg, CA 95437

June 16, 1987

Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, CA 95814

Dear Ms. Griffith:

On Monday, June 15, 1987, I spoke to a member of the Commission, regarding the procedure of setting up a committee that an elected official could use funds from for travel connected with his office. I was told that we need to file a form 410 with the Secretary of State, obtain an identification number such as a person obtains when they run for office. Also the same guide lines would apply to this committee, such as filing dates, etc. The reason for the committee is to augment travel funds that have been cut from county budgets.

I am requesting an opinion regarding this matter, in writing. You may contact me at the above address or by telephone at 707-964-4081 work, or 707-964-2313 after 5:00 P.M.

It is my understanding that we would report funds and expenditures just as a candidate does when they run for an elected position.

Thank you for any assistance you may be able to give me on this matter.

Sincerely,



Alice Ivec