



# California Fair Political Practices Commission

March 30, 1988

Cary Davidson  
Reed and Jones  
Attorneys at Law  
3151 Airway Avenue, Suite M-1  
Costa Mesa, CA 92626

Re: Your Request for Advice  
Our File No. I-88-084

Dear Mr. Davidson:

Your have requested information regarding the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because you have not identified the person or organization on whose behalf you are seeking advice, your request is for informal assistance.<sup>2/</sup>

## QUESTIONS

1. When should a ballot measure qualification committee which intends to remain active after the measure has qualified for the ballot cease cumulating contributions received in connection with the qualification effort and begin cumulating contributions received in connection with supporting passage of the measure?

2. Must a committee which is controlled by a ballot measure proponent list on its statement of organization other committees controlled by the proponent if the committees do not act jointly?

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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 Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2/</sup>Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3).)

### CONCLUSIONS

1. The cumulation period for contributions received in connection with qualification of a ballot measure ends on the closing date of the campaign statement required to be filed in connection with the qualification effort. The cumulation period for contributions received in connection with supporting passage of the measure begins on the day after the closing date of the qualification statement.

2. Proponents who control ballot measure committees are not required to list other controlled committees on the statement of organization filed by the ballot measure committee if the committees do not act jointly.

### FACTS

A committee which supported the successful qualification of a ballot measure filed a campaign disclosure statement for the qualification period. The qualification period extended into January 1988.

### ANALYSIS

Committees which are formed primarily to support the qualification of a ballot measure have special reporting requirements. (Section 84200.5(f).) Such committees file campaign disclosure statements (the "qualification" statement) only after the culmination of a successful or an unsuccessful qualification effort. (Section 84200.5(f).) Because the qualification activities may have extended into a second calendar year, the qualification statement may have cumulative contributions and expenditures which were made or received in more than one calendar year. (Section 84211.)

Once a measure has qualified for the ballot, if a committee which was formed primarily to support the qualification of the ballot measure begins to support the passage of the measure, it will be required to file preelection statements (the "election" statement).<sup>3/</sup> (Section 84200.5.) If the same committee filed a qualification statement which showed cumulative contributions and cumulative expenditures for part of the calendar year covered by the first election statement, then the cumulative period for the election statement begins the day after the period covered by the qualification statement.<sup>4/</sup>

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<sup>3/</sup>The committee also may be required to amend its statement of organization to reflect the fact that its primary activity is to support the passage of the measure. In addition, the statement of organization must be amended to comply with the name identification requirement of Section 84107. (Section 84103.)

<sup>4/</sup>Note that the cumulative period normally starts on January first of each calendar year.

Cary Davidson

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Your second question relates to a statement of organization for the proponents of a measure. A measure committee which receives contributions of \$1,000 or more in a calendar year must file a statement of organization. (Section 84101.) The statement of organization must include a statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly. (Section 84102(e).) If the measure proponents' controlled committees do not act jointly with the measure committee, then the controlled committees do not have to be listed on the measure committee's statement of organization.

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

Sincerely,

Diane M. Griffiths  
General Counsel



By: Bruce W. Robeck  
Political Reform Consultant

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REED & JONES FEB 24 1 59 PM '88

ATTORNEYS AT LAW

3151 AIRWAY AVENUE, SUITE M-1

COSTA MESA, CALIFORNIA 92626

TELEPHONE (714) 641-1688

LOS ANGELES OFFICE

888 WEST SIXTH STREET, 12TH FLOOR

LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 362-9238

DANA W. REED  
THOMAS M. JONES

CARY DAVIDSON  
OF COUNSEL

February 22, 1988

Mr. Bruce Robeck  
Political Reform Consultant  
Fair Political Practice Commission  
428 J Street, Suite 700  
Sacramento, CA 95814

Dear Mr. Robeck:

This letter confirms our telephone discussion of January 26, 1988 in which you responded to the following questions:

1. What date is used for determining cumulative contributions made in connection with a ballot measure committee that commences following a qualification effort that extends into another calendar year?
2. Do controlled committees of ballot measure proponents need to be listed on the ballot measure committee's Statement of Organization (Form 410) if the proponents controlled committees have no connection with the ballot measure?

You provided the following responses:

1. The date to begin cumulating for the ballot measure committee is the day after the date through which the qualification committee reported its activities. The committee does not cumulate from January 1.
2. No. Proponents of ballot measure committees need not list their controlled committees on the Statement of Organization for the ballot measure if the controlled committees have no connection with the ballot measure.

If this letter accurately states the advice you gave me, please sign a copy of this letter and return it to me in the enclosed self addressed envelope. Thank you for your cooperation.

Sincerely,

*Cary Davidson mh*

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CD:mh

88-084

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Reed & Jones  
Attorneys at Law  
3151 Airway Avenue, Suite M-1  
Costa Mesa, CA 92626

Re: 88-084

Dear Mr. Davidson:

Your letter requesting advice under the Political Reform Act was received on February 24, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly 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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should 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,

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

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh