



California Fair Political Practices Commission

Ms. Bernadine Smith
Treasurer and Proponent for
Ownership of Firearms
215 East Amber Way
Hanford, CA 93230

March 28, 1988

Re: Your Request for Advice
Our File No. A 88-095

Dear Ms. Smith:

You have requested advice under the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTIONS

(1) May a state proponent withdraw the qualification effort of a constitutional amendment initiative?

(2) If the qualification effort is withdrawn, when is the qualification committee's first campaign disclosure statement due?

CONCLUSIONS

(1) The Fair Political Practices Commission does not have jurisdiction regarding the qualification procedures for a state initiative measure. You should contact the Secretary of State, Elections Division, at 916/445-0820 to determine the procedures concerning the withdrawal of the qualification effort.

(2) With regard to the campaign disclosure provisions of the Political Reform Act, the committee is not currently required to file campaign statements. Because the committee is continuing to raise and spend money in connection with the initiative effort, and the committee anticipates a future

^{1/}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.

Ms. Bernadine Smith

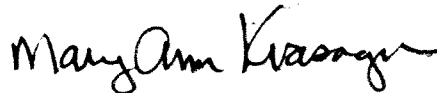
Page 2

qualification effort, the first disclosure statement required to be filed by the committee will depend on whether or not the measure qualifies. If the measure does qualify the first campaign disclosure statement must be filed not later than 35 days after the date of notification that the measure has qualified, or 15 days prior to the deadline for submission of the ballot argument in favor of the measure, whichever date is earlier. If the measure fails to qualify, the first campaign disclosure statement must be filed not later than 35 days after the deadline for filing petitions, or 35 days after the date of notification that the measure has failed to qualify, whichever date is earlier. (Section 84200.5(f)) (See also "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," page 24. Copy enclosed.)

If you have additional questions concerning this matter, please contact me at 916/322-5662.

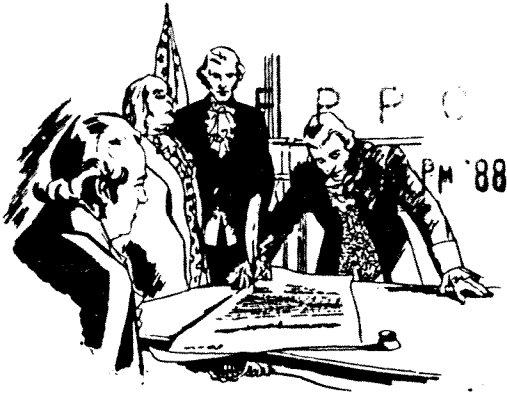
Sincerely,

Diane M. Griffiths
General Counsel



By: Mary Ann Kvasager
Political Reform Consultant

Enclosures
DMG:MAK



SECOND AMENDMENT COMMITTEE

Post Office Box 1776 Hanford, Calif. 93232

Ph. (209) 584-5209 or 582-8534

March 3, 1988

Fair Political Practices
Legal Counsel- Diane Griffiths
428 J Street - Suite 800
Sacramento, California 95814

Dear Ms. Griffiths:

As you know through conversations with Mary Ann in Technical Assistance and Analysis Division, our committee is strongly considering withdrawing the "Ownership of Firearms" constitutional amendment initiative from a measured time status to an unmeasured time basis.

That is, we are asking our supporters to continue in this drive, by publicizing the measure and increasing our contributions, with the result that we will have a broader-based support group, both organizationally and financially, the finalization of which is a refiling of the measure with the attorney-general thus gaining a new 150 days in which to gather the necessary signatures to qualify the measure.

The momentum is increasing daily so that we view the withdrawing of the measure and a refiling as the best way to compensate for the adversities we have had.

What I am requesting of you now is to issue me either literature dealing with this set of circumstances, or your instructions per a written letter so that I may present this officially to our board.

If you would be so kind as to reply promptly, delineating our exact duties and obligations, I would most appreciate it. As soon as I receive your communication, we shall hold a board meeting and I will then forward an official letter of withdrawal at that time.

Your cooperation is most appreciated.

In replying mail to:

Bernadine Smith
215 East Amber Way
Hanford, California 93230

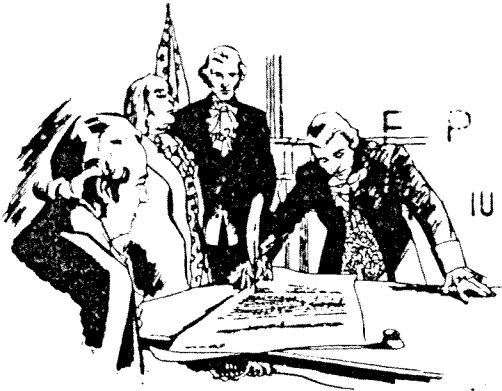
Yours truly,

SECOND AMENDMENT COMMITTEE

Bernadine Smith
Treasurer and Proponent of the
Measure.

BS:

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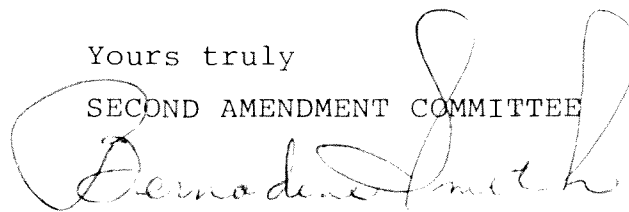
Dear Mrs. Griffiths:

In accordance to the instructions I received in conversations with Mary Ann in Technical Assistance and Analysis Division, I am formally notifying you that I am, as both the proponent of the "Ownership of Firearms" state constitutional amendment, and the secretary-treasurer of the Second Amendment Committee, as of this date am withdrawing our initiative measure, am putting it "on hold" as we continue on with the qualification process from a "measured time period" to an "unmeasured time period. In conversation with the chief of the division of Technical Assistance and Analysis Division, I have explained the handicaps we have tried to overcome, and I have explained in detail what our activities will consist of in this interim before we file again in this same qualifying period.

A copy of this letter will be sent to all offices concerned. If there are any questions needing answers I will be happy to respond. My phone numbers are (209) 584-5209 and 582-8534.

Yours truly

SECOND AMENDMENT COMMITTEE



Bernadine Smith, Sec.-Treas.

BS:

cc: Chief of Div.
Technical Assistance & Analysis
Secretary of State - Elections Division
Other concerned parties

88-095

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Post Office Box 1776 Hanford, Calif. 93232

Ph. (209) 584-5209 or 582-8534

March 3, 1988

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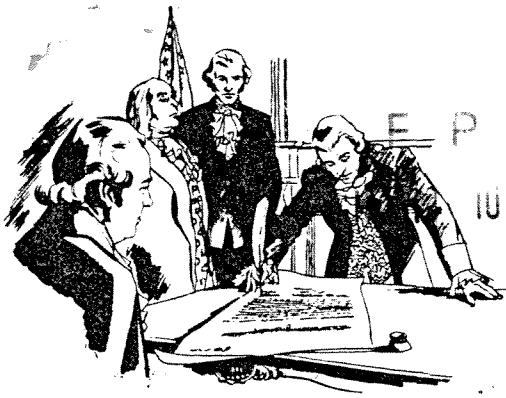
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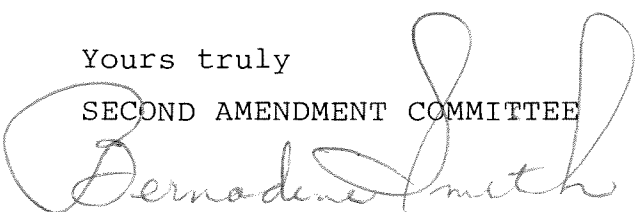
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Yours truly

SECOND AMENDMENT COMMITTEE


Bernadine Smith, Sec.-Treas.

BS:

cc: Chief of Div.

Technical Assistance & Analysis

Secretary of State - Elections Division

Other concerned parties



California Fair Political Practices Commission

March 7, 1988

Bernadine Smith
215 East Amber Way
Hanford, CA 93230

Re: 88-095

Dear Ms. Smith:

Your letter requesting advice under the Political Reform Act was received on March 4, 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, reading "Jeanne Pritchard", followed by a flourish.

Jeanne Pritchard

Chief

Technical Assistance and Analysis
Division

JP:plh