



# California Fair Political Practices Commission

May 27, 1988

Bernard J. Barrett  
Chief Administrative Assistant  
Office of the City Clerk-Election Division  
Room 2300 City Hall  
Los Angeles, CA 90012

Re: Your Requests for Advice  
Our File Nos. A-88-150 and  
A-88-168

Dear Mr. Barrett:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.<sup>1/</sup> The questions posed in your letters of April 13, 1988 and April 29, 1988, have been consolidated and will be answered in this response.

## QUESTION

If a candidate or officeholder controls a committee which is formed for purposes other than supporting his or her election to office, when and where does the committee file its campaign disclosure statements? Such committees may include committees primarily formed to support or oppose a recall or other measure, or committees formed to support or oppose candidates or officeholders in other jurisdictions.

## CONCLUSION

Except as noted in the analysis portion of this letter, all committees controlled by a candidate or officeholder must file campaign statements in the same place(s) and at the same times as the controlling candidate or officeholder. A controlled committee which is primarily formed for purposes other than supporting the controlling officeholder or candidate may have additional filing requirements, as set forth below.

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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.

ANALYSIS

The Act provides that officeholders, candidates and their controlled committees must file the campaign statements required by Section 84200, et seq. An officeholder or candidate "controls" a committee if the officeholder or candidate, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. (Section 82016.) Officeholders, candidates and their controlled committees file campaign statements at specified times and in specified places which are determined by the date of the controlling officeholder's or candidate's election and where he or she seeks or holds office. (Sections 84200-84204, Section 84215.)

The Act also provides that committees which are "primarily formed" to support specific candidates or measures (Section 82047.5) and "general purpose" committees, which support or oppose more than one candidate or measure (Section 82027.5), must file the campaign statements required by Section 84200 et seq. The times and places for filing campaign statements by these committees are determined by the boundaries of the committees' activities.

In the past, the Commission has provided telephone advice to controlled committees which are formed as "general purpose" committees that they must file campaign statements at the same times and in the same places as the controlling officeholder or candidate, and not as general purpose committees. One reason for this advice is that such committees are not prohibited from making expenditures in support of the controlling officeholder or candidate and, therefore, it is important to also have the "general purpose" committee's campaign statements available in a timely manner to the voters in the jurisdiction of the officeholder or candidate, particularly when he or she is being voted upon. During a six-month period in which the controlling candidate or officeholder is not being voted upon, controlled committees which make contributions totaling \$5,000 or more to other candidates also may be required to file additional reports, which provide disclosure regarding money raised and spent by an officeholder or candidate in connection with elections in other jurisdictions. (Sections 84202.5 and 84202.7.)

Similar telephone advice has been provided to local officeholders who are running for offices in other jurisdictions (e.g., city officeholders running for county offices, and city or county officeholders running for statewide offices) who have two controlled committees--one for their current office and one for the office they are seeking. That is, both committees must file campaign statements at all of the times and in all of the places in which the individuals must file as officeholders and as candidates.

On the other hand, controlled committees primarily formed for the qualification, passage or defeat of state ballot measures have been advised to file the campaign statements required of non-controlled ballot measure committees, and not to file on the controlling officeholders' or candidates' filing schedules. This was necessary to ensure that information about money raised and spent in connection with ballot measures is disclosed prior to and in the jurisdiction in which the measure is being voted upon.

In the future, we believe that the following guidelines should be used to determine the filing obligations of controlled committees which are formed for purposes other than supporting the controlling officeholders' or candidates' elections:

1. Controlled Committees Which Are "General Purpose" Committees: Controlled "general purpose" committees should continue to file campaign statements at the same times as the controlling candidate or officeholder and should not file on the general purpose committee filing schedule. This means that the committees will file semi-annual statements each calendar year and, during a period in which the controlling officeholders or candidates are required to file pre-election statements, the committees also must file pre-election statements. (Sections 84200-84200.8.) In addition, when applicable, the committees must file supplemental pre-election statements, late contribution reports and independent expenditure reports as required by Section 84200.6 and special odd-year reports as required by Section 84202.7.<sup>2/</sup>

However, in order to provide the widest public access to campaign statements filed by such committees, in addition to filing campaign statements in the same places as the controlling officeholder or candidate, we believe these committees also should file campaign statements with the filing officers with whom "general purpose" committees are required to file campaign statements under Section 84215. For example, a "state general purpose committee" as defined in Section 82027.5 which is controlled by a city officeholder should file its campaign

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<sup>2/</sup>Section 84202.7 requires all committees which make contributions totaling \$5,000 during specified periods in an odd-numbered year to elected state officers, their controlled committees, or committees primarily formed to support or oppose elected state officers to file special odd-year reports. However, officeholders and candidates who are voted upon during odd-numbered years whose controlled committees come under Section 84202.7 may combine the special odd-year report with their regular pre-election reports during a six-month period in which they are being voted upon. (Section 84205.)

statements with the city clerk in the officeholder's jurisdiction (Section 84215(e)), and also will file campaign statements with the Secretary of State, Los Angeles County Registrar-Recorder, Registrar of Voters of the City and County of San Francisco and the clerk of the committee's county of domicile. (Section 84215(a).)<sup>3/</sup>

2. Controlled Committees Which Are Primarily Formed to Support or Oppose the Qualification, Passage or Defeat of Local Ballot Measures: Controlled committees which are primarily formed to support or oppose the qualification, passage or defeat of local ballot measures (including recall measures) should file both as controlled committees and as measure committees. This means that they will file semi-annual campaign statements and, during a period in which the controlling officeholder or candidate is required to file pre-election statements, they also must file pre-election statements. (Sections 84200-84200.8.) When applicable, the committees must file supplemental pre-election statements, late contribution reports and independent expenditure reports as required by Section 84200.6 and special odd-year reports as required by Section 84202.7.

In addition, controlled committees which are primarily formed to support or oppose the qualification of local ballot measures must file post-qualification campaign statements pursuant to Section 84200.5(f). During a six-month period in which the local measures are being voted upon, controlled committees which are primarily formed to support or oppose the passage or defeat of local ballot measures also must file the pre-election campaign statements required by Section 84200.5. If an officeholder or candidate and a measure which he or she is supporting or opposing through a controlled committee are being voted upon on different dates during the same six-month period, the officeholder or candidate may request written advice from the Commission to combine the required pre-election statements. (Section 84205.)

Controlled committees which are primarily formed to support or oppose the qualification, passage or defeat of local ballot measures must file campaign statements in the same places

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<sup>3/</sup>Many candidates and officeholders make contributions to other candidates, officeholders and committees out of funds raised for their own candidacies. A controlled committee whose primary purpose is to support the election or re-election of its controlling officeholder or candidate will not also become a "general purpose committee" if it makes contributions or expenditures to support or oppose other officeholders, candidates or measures.

as the controlling officeholder or candidate. If a measure is being voted upon in a different jurisdiction, the campaign statements also must be filed in that jurisdiction.

Controlled committees which are not primarily formed to support or oppose the qualification, passage or defeat of local ballot measures are not required to file statements in connection with the measures simply because the controlling officeholder or candidate also controls a primarily formed measure committee. However, when an officeholder is the subject of a recall effort, he or she is a "candidate" and is required to file pre-election campaign statements in connection with the recall election. Therefore, except as provided in No. 3 below, all of his or her controlled committees must file pre-election campaign statements. (Sections 82007, 84200-84200.8.)

3. Controlled Committees Primarily Formed to Support or Oppose the Qualification, Passage or Defeat of State Ballot Measures: Controlled committees which are primarily formed to support or oppose the qualification, passage or defeat of state ballot measures should file post-qualification and pre-election campaign statements only in connection with the measures and need not also file at the same times or in the same places as the controlling candidates or officeholders. Although the Commission has no authority to interpret or enforce the Elections Code, please note that Elections Code Section 29795 specifies the permissible uses of funds raised to support or oppose state ballot measures.

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Diane M. Griffiths  
General Counsel

*Carla Wardlow*

By: Carla Wardlow  
Political Reform Consultant

# CITY OF LOS ANGELES

CALIFORNIA

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485-3581

April 13, 1988

Ms. Jeanne Pritchard  
Technical Assistance Division  
Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95804-0807

Dear Ms. Pritchard:

This Office frequently receives questions as to whether City elected officers may establish controlled State General Purpose Committees (PACs) and thereby not incur a filing obligation with the City Clerk, but rather with the Secretary of State and the appropriate County. On March 23, 1988, Robert C. Farrell PAC (a controlled committee for Councilman Farrell organized April 21, 1986), filed copies of campaign statements with our Office for the period covering 1/1/88 through 3/17/88. Prior to this filing, a "Statement of Organization" was filed by the committee and under Section V their principal activity was listed as, "...to support various local and state candidates and charitable contributions, and to further the political career of Robert C. Farrell."

Government Code Section 82027.5(b) provides the definition of a "State General Purpose Committee" as a committee to support or oppose candidates or measures voted upon in a State election, or in more than one County. Campaign statements for State General Purpose Committees are generally filed on the "Standard Schedule" with the Secretary of State, Los Angeles County, the City and County of San Francisco and the County of domicile. However, Section 84215(e) of the Political Reform Act of 1974 states that City elected officers, candidates for City office, and their controlled committees shall file campaign statements with the City Clerk. For these officers, candidates and committees, campaign statements are generally filed on the "Modified Filing Schedule" with the City Clerk and at the time specified in the "1988 Information Manual On Campaign Disclosure" (see attachment, page 28).

On March 23, 1988, Barbara Greaves of my staff telephoned Bruce Roebeck of your staff to seek advice as to which definition would apply to the Robert C. Farrell PAC. Mr. Roebeck stated that the Robert C. Farrell PAC is required to file with the City Clerk as any other controlled committee should, and that the Robert C. Farrell PAC does not qualify as a State General Purpose Committee. If Mr. Roebeck is correct, this would mean that an original and a copy of this committee

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statement would not be due to the City Clerk until July 31 for the 1988 July Semi-Annual Statement. Enclosed is a copy of the recent campaign statement submitted by the Robert C. Farrell PAC, their Statement of Organization and pages 26 through 28 of the Information Manual On Campaign Disclosure. We hereby request your advice in this matter since the committee treasurer has stated that the committee wants to file copies of their statements in our Office. More importantly, we notice expenditures on the Robert C. Farrell PAC campaign statement which could be related to a possible future City recall election.

If you have any questions in this matter, you may contact Barbara Greaves of my Campaign Statements Section at (213) 485-4792.

Very truly yours,



Bernard J. Barrett  
Chief Administrative Assistant  
Election Division

BJB:BG:lp  
Attachments



# California Fair Political Practices Commission

April 21, 1988

Bernard J. Barrett  
Chief Administrative Assistant  
City Clerk Election Division  
Room 2300, City Hall  
Los Angeles, CA 90012

Re: 88-150

Dear Mr. Barrett:

Your letter requesting advice under the Political Reform Act was received on April 18, 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,

*Jeanne Pritchard*

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

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