



# California Fair Political Practices Commission

March 24, 1989

Honorable David Roberti  
President Pro Tempore of the Senate  
State Capitol  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-89-125

Dear Senator Roberti:

You have requested advice regarding the effect of Proposition 73<sup>1</sup> on certain provisions of the Revenue and Taxation Code which establish the procedures for the operation of the California Election Campaign Fund.

## QUESTIONS

Pursuant to Section 18760(a) of the Revenue and Taxation Code, you are required to be a member of the committee which controls the disbursement of moneys the Democratic Party receives from the California Election Campaign Fund.

1. Does your participation as a member of the committee which controls the disbursement of moneys cause the committee to

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<sup>1</sup> Proposition 73 was a statewide ballot measure adopted by the voters in the June 1988 primary election. The provisions of Proposition 73 amend the Political Reform Act (the "Act"), which is comprised of 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.

Honorable David Roberti  
March 24, 1989  
Page 2

be a controlled committee within the meaning of Section 82016?

2. Can moneys from the California Election Campaign Fund be used as direct contributions to candidates for state office?

3. Can moneys from the California Election Campaign Fund be used to support or oppose a candidacy for elective office in the form of independent expenditures or for non-candidate-specific activities such as voter registration and get-out-the-vote drives?

4. Would an amendment to Section 18760 of the Revenue and Taxation Code clarifying that the disbursement committee described in subdivision (a) is not a controlled committee as defined in Section 82016 of the Act constitute an amendment to the Political Reform Act?

5. Section 18760 of the Revenue and Taxation Code was enacted five years prior to the passage of Proposition 73. Does that fact preclude the provisions of Proposition 73 from affecting the committee established by Revenue and Taxation Code Section 18760?

#### CONCLUSIONS

1. Your participation as a member of the committee is required by law and does not cause the committee to become a controlled committee. The committee is an affiliate of the political party.

2. Proposition 73 does not prohibit the use of moneys from the California Election Campaign Fund to make direct contributions to candidates for state office.

3. Proposition 73 does not prohibit the use of moneys from the California Election Campaign Fund to support or oppose a candidacy for elective office in the form of independent expenditures, or for non-candidate-specific activities such as voter registration and get-out-the-vote drives.

4. An amendment to Revenue and Taxation Code Section 18760, clarifying that the disbursement committee described in subdivision (a) is not a controlled committee as defined by Section 82016 of the Act, would constitute an amendment to the Political Reform Act.

5. Enactment of Revenue and Taxation Code Section 18760 five years prior to the passage of Proposition 73 does not preclude the provisions of Proposition 73 from affecting the committee established by Revenue and Taxation Code Section 18760.

#### FACTS

Section 18720 of the Revenue and Taxation Code permits individuals to designate an amount up to \$25 on their state income tax form to the political party of their choice. These voluntary contributions to the political party are in addition to any state

Honorable David Roberti  
March 24, 1989  
Page 3

income tax payments to which the individuals are liable. These moneys are paid over to the California Election Campaign Fund (hereafter "campaign fund") established by Section 18740 of the Revenue and Taxation Code.

The Chair of the State Central Committee (hereafter "state committee chair") of each political party receives payments from this campaign fund. The state committee chair disburses the moneys received from the campaign fund, upon the concurrence of a committee of certain designated elected officers (hereafter "campaign fund committee"). (Section 18760.) The President pro Tempore of the Senate is one of the designated elected officers.

#### ANALYSIS

Question 1. Does your participation as a member of the committee which controls the disbursement of moneys cause the committee to be a controlled committee within the meaning of Section 82016?

Section 82016 defines a "controlled committee" in part as:

[A] committee which is controlled directly or indirectly by a candidate ... or which acts jointly with a candidate [or] controlled committee in connection with the making of expenditures. A candidate ... controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

Arguably, concurring in the decisions by the state committee chair regarding disbursement of the moneys in the campaign fund may constitute "control" or "significant influence" within the meaning of Section 82016. The campaign fund committee would then be a controlled committee, controlled by the designated elected officers.

Section 85304 states:

No candidate for elective office or committee controlled by that candidate or candidates for elective office shall transfer any contribution to any other candidate for elective office. Transfers of funds between candidates or their controlled committees are prohibited.

Thus, if the campaign fund committee is deemed to be a committee controlled by you and the other designated elected officers, Section 85304 would prohibit any transfers of contributions to any other candidates for elective office. Since Revenue and Taxation Code Section 18760(a) directs the state committee chair to disburse the moneys received from the campaign fund upon the concurrence of the designated elected officers, Section 85304

Honorable David Roberti  
March 24, 1989  
Page 4

would impliedly repeal all or part of this section of the Revenue and Taxation Code.

In Consumers Union of U.S., Inc. v. California Milk Producers Advisory Board (1978) 82 Cal.App.3d 433, the court addressed the argument that the conflict-of-interest provisions (specifically the phrase "the public generally" in Section 87103) as originally enacted, repealed the various regulatory boards and commissions whose members are drawn from the industry, trade, or profession regulated. The court concluded that Section 87103 did not intend to abrogate those boards and commissions. It looked at the history of the Act and various "rules" of statutory construction. One of the rules cited by the court was:

[I]t is settled that there is a presumption against repeal [of a pre-existing law] by implication ....

Consumers Union v. Milk Producers Advisory Board, supra, 82 Cal.App.3d at 445 (quoting from Warnke v. Harkness (1963) 60 Cal 2d 579).

This presumption against repeals by implication may be overcome where the later provision gives undebatable evidence of an intent to supersede the earlier. (Arvin Union School District v. Ross (1985) 176 Cal. App. 3d 189, 199.)

A review of Proposition 73, which enacted Section 85304, provides no basis to conclude that it intended to repeal Section 18760(a) of the Revenue and Taxation Code. The official title of Proposition 73, as prepared by the Attorney General, was "Campaign Funding. Contribution Limits. Prohibition of Public Financing. Initiative Statute." Nothing in the summary prepared by the Attorney General, the analysis by the Legislative Analyst, or the arguments in favor of Proposition 73 included in the ballot pamphlet indicates any intent to repeal the provisions permitting the continued disbursement of moneys from the campaign fund with the concurrence of the designated elected officers.

On the other hand, Proposition 73 specifically distinguished political parties from candidate controlled committees for contribution purposes. (See Sections 85301, 85302, 85303, and 85305.) The "presumption against repeal by implication [may be] overcome [if] the two acts [are] irreconcilable, clearly repugnant, and so inconsistent as to prevent their concurrent operation...." (Consumers Union v. Milk Producers Advisory Board, supra, 82 Cal.App.3d at 445.) In the instant case, the two statutes are not "irreconcilable, clearly repugnant, and so inconsistent as to prevent their concurrent operation...." (Id.) The integrity of both statutes can be maintained, and they may stand together, if the "committee" in Section 18760(a) of the Revenue and Taxation Code is construed to be an affiliate of the

Honorable David Roberti  
March 24, 1989  
Page 5

political party and not a controlled committee within the meaning of Section 82016.

Section 18702(b) of the Revenue and Taxation Code lends support to this interpretation of the term "committee" in Section 18760(a) of the Revenue and Taxation Code. It states:

This act seeks to reduce candidate dependence on large contributions and the excessive influence of large contributors, by providing qualified political parties with a campaign fund based on small contributions, which fund shall be used to assist candidates under the direction of the state parties and certain of their elected representatives.

Revenue and Taxation Code Section 18702(b)  
(emphasis added).

Further, as noted above, Proposition 73 specifically distinguished political parties from candidate controlled committees for contribution purposes. Accordingly, we conclude that your participation in the decisions regarding disbursement of moneys from the campaign fund, as required by law, shall not cause the campaign fund committee to become a "controlled committee" within the meaning of Section 82016; rather, it is an affiliate of the political party.

Questions 2 and 3. Can moneys from the campaign fund be used as follows:

- a. To make direct contributions to candidates?
- b. To support or oppose a candidacy for elective office in the form of independent expenditures?
- c. For non-candidate-specific activities such as voter registration and get-out-the-vote drives?

In response to Question 1 above, we concluded that the campaign fund committee is an affiliate of the political party and not a controlled committee within the meaning of Section 82016 of the Act. As such, the fund may be used for any purpose subject to the limitations imposed by the Act on political parties. For example, Sections 85303(b) and 85305(c)(3), enacted by Proposition 73, limit contributions by a political party to a candidate, and all committees controlled by that candidate, to \$5,000 in a fiscal year.

The Act does not prohibit the use of moneys from the campaign fund to support or oppose a candidacy for elective office in the form of independent expenditures, or for non-candidate-specific activities such as voter registration and get-out-the-vote drives. Section 85604 does impose reporting requirements for independent expenditures of more than \$10,000 in legislative campaigns. We

Honorable David Roberti

March 24, 1989

Page 6

are, of course, unable to advise you regarding any prohibitions that may be imposed by provisions outside the Act. (See, e.g., Elections Code Sections 12400-12404.) Those questions are beyond the purview of the Commission.

Question 4. Would an amendment to Section 18760 of the Revenue and Taxation Code clarifying that the disbursement committee described in subdivision (a) is not a controlled committee as defined in Section 82016 of the Act constitute an amendment to the Political Reform Act?

In Franchise Tax Board v. Cory (1978) 80 Cal.App.3d 772, the court addressed the question whether some control language in a budget bill, clarifying and restricting the auditing and sampling methods that may be used by the Franchise Tax Board in conducting audits pursuant to the Political Reform Act, constituted an amendment to the Act. The court agreed that the audit provisions of the Act did not by their very terms conflict with the control language in the budget bill. (Id.) Nevertheless, it added,

[C]onflict with existing law is neither an essential, nor even a normal attribute of an amendment. An amendment is "... any change of the scope or effect of an existing statute, whether by addition, omission, or substitution of provisions, which does not wholly terminate its existence whether by an act purporting to amend, repeal, revise, or supplement, or by an act independent and original in form..."

Franchise Tax Board v. Cory, supra, at 776, (quoting from Sutherland, Statutory Construction (4th ed. 1972) Section 22.01, p. 105).

Further, quoting from Balian Ice Cream Co. v. Arden Farms (1950) 94 F. Supp. 796, the court described an amendment as follows:

Whether an act is amendatory of existing law is determined not by title alone, or by declaration in the new act that it purports to amend existing law. On the contrary, it is determined by an examination and comparison of its provisions with existing law. If its aim is to clarify or correct uncertainties which arose from the enforcement of the existing law, or to reach situations which were not covered by the original statute, the act is amendatory, even though in its wording it does not purport to amend the language of the prior act.

Franchise Tax Board v. Cory, supra, at 777 (emphasis in original).

As explained in Cory, supra, it is not necessary that the amending language be included in the Political Reform Act to be construed as amending the Act. We must look at the substance of the provision to determine whether it amends the Act. Since the purpose of the proposed amendment to the Revenue and Taxation Code would be to "clarify ... uncertainties which arose from the enforcement of the existing law" contained in the Political Reform Act, it would constitute an amendment to the Act. (Franchise Tax Board v. Cory, supra, at 777.)

Question 5. Section 18760 of the Revenue and Taxation Code was enacted five years prior to the passage of Proposition 73. Does that fact preclude the provisions of Proposition 73 from affecting the committee established by Revenue and Taxation Code Section 18760?

We concluded above that the provisions of Proposition 73, particularly Section 85304, do not conflict with Section 18760 of the Revenue and Taxation Code. In the event of a conflict between the provisions of Proposition 73 and Section 18760(a) of the Revenue and Taxation Code, we look to the rules of statutory construction to determine the validity of each provision. In Bledstine v. Superior Court (1984) 162 Cal.App.3d 152, the court stated:

A well-settled rule of statutory construction is that in the event of a conflict between two statutes, effect will be given to the more recently enacted law. However, the rule giving precedence to the more recently enacted statute is invoked only if the two cannot be harmonized.

Bledstine v. Superior Court, supra,  
162 Cal.App.3d 152, 160 (citations  
omitted).

Since Proposition 73 is a later expression of the people's will, if there were a conflict between the provisions of Proposition 73 and Revenue and Taxation Code Section 18760(a) which could not be harmonized, the provisions of Proposition 73 would prevail.

In addition to the rule of statutory construction cited above, Section 81013 of the Act states that if any act of the Legislature conflicts with the Act, the Act shall prevail. Since Proposition 73 amended, and is now part of, the Act, if any act of the Legislature were to conflict with the provisions of Proposition 73, the provisions of Proposition 73 would prevail. Therefore, in the event Revenue and Taxation Code 18760 and the

Honorable David Roberti

March 24, 1989

Page 8

provisions of Proposition 73 cannot be harmonized, the provisions of Proposition 73 are not precluded from affecting the campaign fund committee established by Revenue and Taxation Code Section 18760.

I trust this letter has provided you with the guidance you requested. If you have any further questions in this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Jeevan S. Ahuja  
Counsel, Legal Division



# California Fair Political Practices Commission

February 27, 1989

Honorable David Roberti  
Member of the Senate  
State Capitol, Room 205  
Sacramento, CA 95814

Re: Letter No. 89-125

Dear Senator Roberti:

Your letter requesting advice under the Political Reform Act was received on February 23, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeevan Ahuja an attorney in the Legal Division, directly at (916) 322-5901.

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 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 "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh



STATE OF CALIFORNIA  
SENATE  
SACRAMENTO, CALIFORNIA 95814

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DAVID ROBERTI  
PRESIDENT PRO TEMPORE

February 17, 1989

Mr. John Larson, Chairman  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, Ca 95814

Dear Chairman Larson:

Pursuant to Section 18760 of the Revenue and Taxation Code (copy enclosed), I am required to be a member of a committee which controls the disbursement of moneys the Democratic Party receives from the California Election Campaign Fund. I am concerned that conflicts may exist between this statutory responsibility and regulations implemented by the Fair Political Practices Commission. I would therefore like to have in writing the position that the FPPC takes in answer to the following questions.

1. Does my participation the aforementioned process constitute the existence of a controlled committee?
2. Can moneys from the California Election Campaign Fund be used as direct contributions to candidates for state office?
3. Can moneys from the California Election Campaign Fund be used to support or oppose a candidacy for elective office in the form of independent expenditures or for non-candidate specific activities such as voter registration and get-out-the-vote?
4. In your opinion, would an amendment to Section 18760 of the Revenue and Taxation Code clarifying that the disbursement committee described in subsection (a) is not a controlled committee as defined by Section 82016 of the Political Reform Act constitute an amendment to the Political Reform Act?

5. Section 18760 of the Revenue and Taxation Code was enacted five years prior to the passage of Proposition 73. Does that fact preclude the provisions of Proposition 73 from affecting the committee established by Section 18760 of the Revenue and Taxation Code?

Thank you very much for your attention. I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "David Roberti". The signature is written in a cursive style with a prominent initial "D" and a trailing flourish.

DAVID ROBERTI  
President pro Tempore

DR:dcjz

§ 18699

REVENUE AND TAXATION CODE

tax provided by this section, unless the Franchise Tax Board determines that both of the following have occurred:

(A) The claimed value of the property was based on a qualified appraisal made by a qualified appraiser.

(B) In addition to obtaining that appraisal, the taxpayer made a good faith investigation of the value of the contributed property.

(3) For purposes of this subdivision:

(A) "Charitable deduction property" means any property contributed by the taxpayer in a contribution for which a deduction was claimed under Section 170 of the Internal Revenue Code. For purposes of paragraph (2), that term shall not include any securities for which (as of the date of the contribution) market quotations are readily available on an established securities market.

(B) "Qualified appraiser" means any appraiser meeting the requirements of the regulations prescribed under Section 170(a)(1) of the Internal Revenue Code.

(C) "Qualified appraisal" means any appraisal meeting the requirements of the regulations prescribed under Section 170(a)(1) of the Internal Revenue Code.

(g) For purposes of this section, "underpayment" has the meaning given to that term by Section 6653(c)(1) of the Internal Revenue Code of 1954.

(h) This section shall apply to returns filed after December 31, 1981.

(Amended by Stats.1983, c. 498, § 157, urgency, eff. July 28, 1983; Stats.1985, c. 1461, § 67, imd. eff. Oct. 1, 1985.)

1 26 U.S.C.A. § 170.

2 26 U.S.C.A. § 170(a)(1).

3 26 U.S.C.A. § 6653(c)(1).

1983 Amendment. Substituted in subd. (c) "return is 150 percent or more" for "return exceeds 150 percent"; and substituted in subd. (d) "valuation overstatements" for "the valuation overstatement".

1985 Legislation

The 1985 amendment deleted a provision making this section inapplicable to any property which, as of the close of

the taxable year for which there is a valuation overstatement, has been held by the taxpayer for more than five years; added subd. (f); and made nonsubstantive changes.

ARTICLE 6. INSTALLMENT PAYMENTS OF TAXES

Section

18700. Installment payment agreements.

Article 6 was added by Stats.1986, c. 1361, § 26.

§ 18700. Installment payment agreements

The Franchise Tax Board may, in cases of financial hardship, as determined by the Franchise Tax Board, allow a taxpayer to enter into installment payment agreements with the Franchise Tax Board to pay taxes due, plus applicable interest and penalties over the life of the installment period. Failure by the taxpayer to comply fully with the terms of the installment payment agreement shall render the agreement null and void, unless the Franchise Tax Board determines that the failure was due to a reasonable cause, and the total amount of tax, interest, and all penalties shall be immediately due and payable.

(Added by Stats.1986, c. 1361, § 26.)

CHAPTER 18.5. CALIFORNIA ELECTION CAMPAIGN FUND ACT

Article

Table with 2 columns: Article and Section. Article 1: Findings and Policy (18701); Article 2: Designation by Individuals (18720); Article 3: Payment to Qualified Political Parties (18740); Article 4: Qualification of Political Parties: Disbursement of Funds (18760)

Underline indicates changes or additions by amendment

REVENUE AND TAXATION CODE

Article

5. Repealer [New]

Chapter 18.5 was added by S

Chapter 18.5 is repe

ARTICLE

Section

18701. Short title. 18702. Legislative findings and dec

Article 1 u

§ 18701. Short title

This chapter shall be known and (Added by Stats.1983, c. 488, § 81, ir

Library References

Taxation §1031. C.J.S. Taxation § 1099.

§ 18702. Legislative findings and c

The Legislature finds and declares

(a) Candidates are now frequently interest groups for campaign financions thus may enjoy disproportion decisionmaking. Large contributor

(b) This act seeks to reduce can influence of large contributors, by pro small contributions, which fund shal parties and certain of their elected r (Added by Stats.1983, c. 488, § 81, ir

ARTICLE 2.

Section

18720. Amount; joint returns; tax l

Article 2 was added by Stats.

§ 18720. Amount; joint returns; u

(a) Every individual, who is lawfu California, may designate the paym twenty-five dollars (\$25), in addition to Election Campaign Fund in accordar return of individuals, each spouse ma dollars (\$10), or twenty-five dollars (\$

(b) For the purposes of subdivision taxable year is the amount of his or l the applicable provisions of this code.

(c) If an individual chooses to cor California Election Campaign Fund in California tax return which of the qua

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REVENUE AND TAXATION CODE

determines that both of the following

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made a good faith investigation of the

attributed by the taxpayer in a contribu- of the Internal Revenue Code.<sup>1</sup> For urities for which (as of the date of the established securities market.

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meaning given to that term by Section

r 31, 1981.

983; Stats.1985, c. 1461, § 67, imd. eff.

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MENTS OF TAXES

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CAMPAIGN FUND ACT

.....	Section
.....	18701
.....	18720
.....	18740
ends	18760
changes or additions by amendment	

REVENUE AND TAXATION CODE

§ 18720

Article

5. Repealer [New] ..... Section 18765

Chapter 18.5 was added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.

Repeal

Chapter 18.5 is repealed on Jan. 1, 1992, by the terms of § 18765.

ARTICLE 1. FINDINGS AND POLICY

Section

18701. Short title.

18702. Legislative findings and declarations.

Article 1 was added by Stats.1983, c. 488, § 81.

§ 18701. Short title

This chapter shall be known and may be cited as the California Election Campaign Fund Act. (Added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.)

Library References

Taxation 1031. C.J.S. Taxation § 1099.

§ 18702. Legislative findings and declarations

The Legislature finds and declares:

(a) Candidates are now frequently dependent on large contributions from wealthy individuals and interest groups for campaign financing. Individuals and interest groups who make large contributions thus may enjoy disproportionate access to public officials and influence in government decisionmaking. Large contributions may also impede the solicitation of small contributions.

(b) This act seeks to reduce candidate dependence on large contributions and the excessive influence of large contributors, by providing qualified political parties with a campaign fund based on small contributions, which fund shall be used to assist candidates under the direction of the state parties and certain of their elected representatives.

(Added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.)

ARTICLE 2. DESIGNATION BY INDIVIDUALS

Section

18720. Amount; joint returns; tax liability; parties.

Article 2 was added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.

§ 18720. Amount; joint returns; tax liability; parties

(a) Every individual, who is lawfully able to make contributions to qualified political parties in California, may designate the payment of one dollar (\$1), five dollars (\$5), ten dollars (\$10), or twenty-five dollars (\$25), in addition to his or her income tax liability to be paid over to the California Election Campaign Fund in accordance with the provisions of this article. In the case of a joint return of individuals, each spouse may separately designate that one dollar (\$1), five dollars (\$5), ten dollars (\$10), or twenty-five dollars (\$25), shall be paid to that fund.

(b) For the purposes of subdivision (a), the California income tax liability of an individual for any taxable year is the amount of his or her total income tax liability for that taxable year pursuant to the applicable provisions of this code.

(c) If an individual chooses to contribute an amount as provided for in subdivision (a) to the California Election Campaign Fund under subdivision (a), he or she shall designate on the applicable California tax return which of the qualified political parties of the State of California the contribution

Asterisks \* \* \* Indicate deletions by amendment

§ 18720

REVENUE AND TAXATION CODE

shall benefit. The Franchise Tax Board shall revise the forms for reporting California tax liability in accordance with this section.

(Added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.)

ARTICLE 3. PAYMENT TO QUALIFIED POLITICAL PARTIES

Section

18740. Election campaign fund; appropriation; certification of amount designated for each party.

Article 3 was added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.

§ 18740. Election campaign fund; appropriation; certification of amount designated for each party

(a) There is hereby established in the State Treasury a special fund to be known as the California Election Campaign Fund (hereafter referred to as "the fund"), to which the Controller shall transfer an amount not in excess of the sum of the amounts certified by the Franchise Tax Board under subdivision (b). There is hereby appropriated to the fund for each fiscal year from the General Fund, an amount equal to the sum of the amounts so certified during each fiscal year, which shall remain available to the fund without fiscal year limitation; provided, however, that the Controller and the Franchise Tax Board may designate a reasonable amount to be retained by the state from the fund in order to compensate the state for reasonable administrative expenses connected with the operation of the fund.

(b)(1) On or before July 1 of each year, the Franchise Tax Board shall certify to the Controller the total amount designated by April 15 of that year for the benefit of each qualified political party in accordance with this section. On or before July 15 of each year, the Controller shall pay to each qualified political party from the fund the amount so certified.

(2) The Chair of the State Central Committee of each qualified political party is hereby authorized to receive payments on behalf of that party from the fund.

(Added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.)

ARTICLE 4. QUALIFICATION OF POLITICAL PARTIES: DISBURSEMENT OF FUNDS

Section

18760. List of parties; determination; disbursement of moneys; committee.

Article 4 was added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.

§ 18760. List of parties; determination; disbursement of moneys; committee

On or before each calendar year, the Secretary of State shall forward to the Franchise Tax Board a list of qualified political parties. Qualification in the State of California shall be determined in accordance with Section 6430 of the Elections Code from the most recent election for which officially canvassed results are available. Any sums designated to a political party which are not qualified pursuant to this section shall be retained by the state for its General Fund.

(a) The Chair of the State Central Committee of each political party receiving payments pursuant to this chapter shall segregate those moneys and disburse them only upon his or her determination that a majority of a committee composed as follows concurs in each such disbursement:

(1) Chair of that party.

(2) As to the majority party of the Assembly, its Speaker; or, as to each minority party of the Assembly, that party's Minority Leader.

(3) As to the majority party of the Senate, its President pro Tempore; or, as to each minority party of the Senate, that party's Minority Leader.

(b) As to any party unrepresented by both paragraphs (2) and (3) of subdivision (a), its chair shall be the sole member of the committee provided for in subdivision (a).

Underline indicates changes or additions by amendment

REVENUE AND TAXATION

(c) As to any party unrepresented (2) and (3) of subdivision (a), the two choose a third member to serve for

(d) Any funds received by a candidate shall be disbursed only for a general election.

(Added by Stats.1983, c. 488, § 81,

1984 Legislation

Amendment of this section by Initiative Proposition 40, was rejected by the voters at the election held Nov. 6, 1984.

AF

Section

18765. Duration of chapter.

Article 5 was added

§ 18765. Duration of chapter

This chapter shall remain in effect unless a later enacted statute, which (Added by Stats.1987, c. 1138, § 16)

1987 addition applicable in whole or in part on or after Jan. 1, 1987

CHAP

ARTICLE 1. INFORMATION

Section

18802.2 Filing returns; remuneration

18802.3 Return of owners and transferors; sanctions for failure to file identification number.

18802.4 Return of broker; state revenue service.

18802.6 Federal information return

18802.9 State agency returns; collection

18803. Information returns; reporting

18803.1 Tax shelter registrants; disclosure

18803.2 Publicly offered debt instruments submitted to Secretary of State

18803.5 Repealed.

18806.1 Pilot project; withholding services; amount; reporting

18807. Withholding tax; payment

18810. Employer; submitting copy of determination that certifies

18817.3 Exemptions from levy; apportionment

18817.5 Withhold notice; effect on

§ 18802. Information returns; payment

(a) Every individual, partnership, company, business trust, or so-called estate and making payment in the capacity of lessee or mortgagor of real or personal property

Asterisks \* \* \* indicate deletions

**VENUE AND TAXATION CODE**

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**POLITICAL PARTIES**

of amount designated for each party.  
eff. July 28, 1983.

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**ES: DISBURSEMENT OF FUNDS**

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eff. July 28, 1983.

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General Fund.

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em only upon his or her determination  
in each such disbursement:

or, as to each minority party of the

Tempore; or, as to each minority party

nd (3) of subdivision (a), its chair shall  
sion (a).

**anges or additions by amendment**

**REVENUE AND TAXATION CODE**

**§ 18802**

(c) As to any party unrepresented by one, but not both, of the categories specified in paragraphs (2) and (3) of subdivision (a), the two members of that committee provided for by subdivision (a) shall choose a third member to serve for each calendar year.

(d) Any funds received by a committee's political party which are disbursed by the committee to candidates shall be disbursed only to candidates for state office in connection with a statewide general election.

(Added by Stats.1983, c. 488, § 81, imd. eff. July 28, 1983.)

**1984 Legislation**

Amendment of this section by Initiative Measure, Proposition 40, was rejected by the voters at the General Election held Nov. 6, 1984.

**ARTICLE 5. REPEALER [NEW]**

**Section**

18765. Duration of chapter.

*Article 5 was added by Stats.1987, c. 1138, § 166, eff. Sept. 25, 1987.*

**§ 18765. Duration of chapter**

This chapter shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.  
(Added by Stats.1987, c. 1138, § 166, eff. Sept. 25, 1987.)

*1987 addition applicable in computation of taxes for taxable or income years beginning on or after Jan. 1, 1987*

**CHAPTER 19. COLLECTION OF TAX**

**ARTICLE 1. INFORMATION AND WITHHOLDING TAX AT SOURCE**

**Section**

18802.2 Filing returns; remuneration of services; exceptions; direct sales.

18802.3 Return of owners and transferors of interest in real property or mobilehome; exemptions; sanctions for failure to file; notice; social security number and federal employer identification number.

18802.4 Return of broker; statement furnished customer; copy of return filed with internal revenue service.

18802.6 Federal information return copies.

18802.9 State agency returns; contracts; application of section. [New]

18803. Information returns; report to franchise tax board. [New]

18803.1 Tax shelter registrants; duties.

18803.2 Publicly offered debt instruments having original issue discount; copy of information submitted to Secretary of the Treasury. [New]

18803.5 Repealed.

18806.1 Pilot project; withholding payments; independent contractors; contracts for personal services; amount; report to legislature.

18807. Withholding tax; payments to foreign partners; amount. [New]

18810. Employer; submitting copies of income tax withholding exemption certificates; notice of determination that certificate is invalid; review. [New]

18817.3 Exemptions from levy; appraisal; amount of wage, salary, or income exemption. [New]

18817.5 Withhold notice; effect of levy; amount required to be withheld; payments defined.

**§ 18802. Information returns; payments of \$600 or more**

(a) Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, engaged in a trade or business in this state and making payment in the course of such trade or business to another person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and

**Asterisks \* \* \* indicate deletions by amendment**