



# California Fair Political Practices Commission

May 10, 1989

Carol Ruth Silver  
68 Ramona  
San Francisco, CA 94103

Re: Your Request for Advice  
Our File No. A-89-208

Dear Ms. Silver:

You have requested advice regarding your campaign disclosure obligations under the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

You are a former elected officer, and you are the president of an organization which does not make expenditures for political purposes. You do not intend to be a candidate for elective office in the future. Is the organization of which you are president a controlled recipient committee?

## CONCLUSION

Based on the facts presented, the organization is not a controlled recipient committee.

## FACTS

You recently completed a term of office as a San Francisco City and County supervisor. You have no immediate plans to be a candidate for elective office and you intend to terminate your controlled recipient committees as soon as all legal claims are settled. You are president of an organization, Agenda San Francisco ("Agenda SF"), which is prohibited by its bylaws from making contributions to candidates or to political campaigns.

---

<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.

Carol Ruth Silver  
May 10, 1989  
Page Two

ANALYSIS

Elected officers, candidates, and committees controlled by officeholders and candidates are required to file regular campaign disclosure statements. (Section 84200.) After leaving elective office, former officeholders may terminate the filing obligations for themselves and for their controlled committees. (Section 84214.) On the statement of termination, Form 415, the candidates or committee treasurers must declare, under penalty of perjury, that the candidate or committee:

(1) Has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future;

(2) Has eliminated or has declared that it has no intention or ability to discharge all of its debts, loans received and other obligations;

(3) Has no surplus funds; and

(4) Has filed all required campaign statements disclosing all reportable transactions.

(Regulation 18404(b), copy enclosed.)

You indicated in a telephone conversation with Bruce Robeck of this office that you do not have immediate plans to run for public office and that the delay in terminating your controlled committees is caused by litigation against one of your committees. Therefore, you may terminate your status as a candidate and terminate your controlled committees (use Form 415 for both purposes, copy enclosed) as soon as you have fulfilled the requirements as outlined in Regulation 18404.

Serving as president of Agenda SF will not create a campaign disclosure requirement for you or for Agenda SF as long as you are not a candidate for future elective office and Agenda SF does not receive contributions nor make expenditures for political purposes. (Sections 82007, 82015, 82025; Regulations 18215 and 18225, copies enclosed.) If your plans change and you become a candidate for elective office, or if Agenda SF qualifies as a

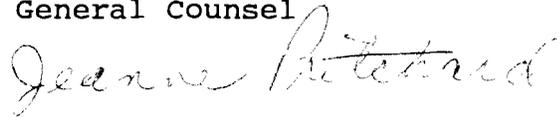
Carol Ruth Silver  
May 10, 1989  
Page Three

recipient committee (Section 82013(a), then either you or Agenda SF, or both, may have campaign disclosure obligations. If those facts do develop, please contact us for additional advice.

If you have further questions, please call me at  
(916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Jeanne Pritchard  
Division Chief  
Technical Assistance and  
Analysis Division

enclosures: Regulations 18215, 18225 and 18404  
Form 415 (Statement of Termination)

## Carol Ruth Silver

---

68 Ramona San Francisco, CA 94103

(415) 861-8450; FAX (415) 863-1965

3 April 1989

Bruce Roebeck  
Office of the General Counsel  
California Fair Political Practices Commission  
P.O. Box 807  
Sacramento 95804

Re: POLITICAL COMMITTEE, NON-POLITICAL COMMITTEE, RETIRING  
POLITICIAN, AND REQUEST FOR OPINION

Dear Bruce:

I hope that you will recall that some time ago (21 February to be exact) we discussed on the telephone a variety of questions that have arisen concerning my various committees since I retired from public office.

In January of 1989, I completed my third term as a Supervisor of the City and County of San Francisco. At that time I had two political committees, for which proper and timely reports have been made, a "Committee to Reelect ..." and a "Friends of ..." committee. The latter had raised money not for campaign expenses but to defray some of the expenses of being in the office of Supervisor which the City and County did not reimburse, such as attendance at numerous community functions.

You advised me that pursuant to Proposition 73 on last November's ballot, I may have at most only one committee for both of these purposes, and further that since I am not in public office, neither committee could properly raise funds unless and until I declared my candidacy for some other office. I am not now a candidate, and do not want to be a candidate at this time, although I keep open the possibility that at some future time I may wish again to enter a political race.

My intention is to terminate both the "Reelect" and the "Friends" committees, although because of litigation involving the reelection committee it may be necessary for that committee to continue in existence for a while.

We then discussed the question of whether an organization of which I am the president, Agenda San Francisco, would be subject to FPPC reporting requirements. Like many other community based

Silver to Roebeck, FPPC  
Page 2, 3 April 1989

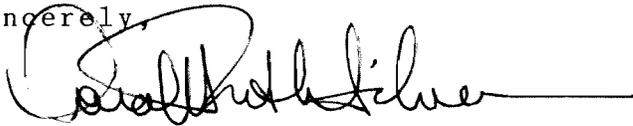
organizations, its objective is to shape the agenda of San Francisco's public officials to a particular political viewpoint. It raises money from the general public, and supports positions and causes decided upon by its membership. Pursuant to its by-laws, it makes no contributions to either candidates or political campaigns, neither mine nor any other.

The question on which I would be most grateful for your official opinion is:

UNDER THE FOREGOING FACTS, AND ASSUMING FOR THE SAKE OF ARGUMENT THAT THE POSITIONS OF THIS COMMITTEE ARE EXACTLY THE SAME AS THE POSITIONS WHICH HAVE BEEN ENUNCIATED BY ME IN VARIOUS PAST DOCUMENTS AND SPEECHES, WOULD THIS COMMITTEE BE CONSIDERED BY THE FPPC A POLITICAL "CONTROLLED COMMITTEE" AND THEREFORE REQUIRED TO REPORT ITS CONTRIBUTIONS AND EXPENDITURES?

Thank you for your time on the telephone and for your kind attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Ruth Silver", with a long horizontal line extending to the right.

CAROL RUTH SILVER

**Carol Ruth Silver**

---

68 Ramona San Francisco, CA 94103

(415) 861-8450; FAX (415) 863-1965

3 April 1989

Bruce Roebeck  
Office of the General Counsel  
California Fair Political Practices Commission  
P.O. Box 807  
Sacramento 95804

Re: POLITICAL COMMITTEE, NON-POLITICAL COMMITTEE, RETIRING  
POLITICIAN, AND REQUEST FOR OPINION

Dear Bruce:

I hope that you will recall that some time ago (21 February to be exact) we discussed on the telephone a variety of questions that have arisen concerning my various committees since I retired from public office.

In January of 1989, I completed my third term as a Supervisor of the City and County of San Francisco. At that time I had two political committees, for which proper and timely reports have been made, a "Committee to Reelect ..." and a "Friends of ..." committee. The latter had raised money not for campaign expenses but to defray some of the expenses of being in the office of Supervisor which the City and County did not reimburse, such as attendance at numerous community functions.

You advised me that pursuant to Proposition 73 on last November's ballot, I may have at most only one committee for both of these purposes, and further that since I am not in public office, neither committee could properly raise funds unless and until I declared my candidacy for some other office. I am not now a candidate, and do not want to be a candidate at this time, although I keep open the possibility that at some future time I may wish again to enter a political race.

My intention is to terminate both the "Reelect" and the "Friends" committees, although because of litigation involving the reelection committee it may be necessary for that committee to continue in existence for a while.

We then discussed the question of whether an organization of which I am the president, Agenda San Francisco, would be subject to FPPC reporting requirements. Like many other community based

Silver to Roebeck, FPPC  
Page 2, 3 April 1989

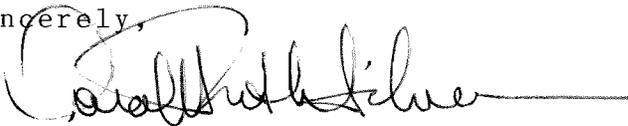
organizations, its objective is to shape the agenda of San Francisco's public officials to a particular political viewpoint. It raises money from the general public, and supports positions and causes decided upon by its membership. Pursuant to its by-laws, it makes no contributions to either candidates or political campaigns, neither mine nor any other.

The question on which I would be most grateful for your official opinion is:

UNDER THE FOREGOING FACTS, AND ASSUMING FOR THE SAKE OF ARGUMENT THAT THE POSITIONS OF THIS COMMITTEE ARE EXACTLY THE SAME AS THE POSITIONS WHICH HAVE BEEN ENUNCIATED BY ME IN VARIOUS PAST DOCUMENTS AND SPEECHES, WOULD THIS COMMITTEE BE CONSIDERED BY THE FPPC A POLITICAL "CONTROLLED COMMITTEE" AND THEREFORE REQUIRED TO REPORT ITS CONTRIBUTIONS AND EXPENDITURES?

Thank you for your time on the telephone and for your kind attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Ruth Silver", with a long horizontal line extending to the right.

CAROL RUTH SILVER

