



California Fair Political Practices Commission

November 21, 1989

Steve Hartman
Treasurer
Recall '89
107 James Street
Santa Cruz, CA 95062

Re: Your Request for Advice
Our File No. A-89-635

Dear Mr. Hartman:

This is in response to your letter requesting an exemption from the statutory requirements of Government Code Section 84304 of the Political Reform Act (the "Act").^{1/}

The Political Reform Act was enacted by the people of the State of California by initiative in 1974. The purpose for the campaign disclosure provisions of the Act was to ensure that receipts and expenditures in election campaigns would be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited. (Section 81002(a).)

Consistent with these policies, Section 84304 provides:

No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

Moreover, Section 84400 provides:

Notwithstanding any other provision of the law, the commission shall have no power to exempt any person, including any candidate or committee,

^{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.

from any of the requirements imposed by the provisions of this chapter.

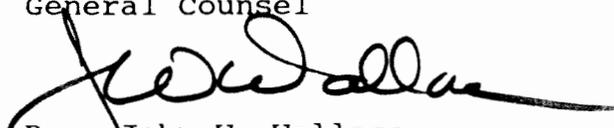
Section 84304 falls within the same chapter of the Act as Section 84400.

Consequently, if your committee has received an anonymous contribution for \$100 or more, it must be promptly paid to the Secretary of State for deposit in the General Fund of the state. The Commission is expressly prohibited from advising you in any manner inconsistent with these statutory requirements.

I trust this letter has addressed your concerns. Should you have any further questions regarding this matter please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh



March Fong Eu
Secretary of State

1230 J Street
P.O. Box 1467
Sacramento, California 95807

POLITICAL REFORM DIVISION
(916) 322-4880

October 31, 1989

Mr. Steve Hartman, Treasurer
Recall '89: A Committee for
the Recall of Councilmembers
Wormhoudt, Lane, and Yokoyama
107 James St.
Santa Cruz, CA 95062

Dear Mr. Hartman:

Thank you for your letter to Dr. Eu regarding your concern over the current campaign disclosure requirements regarding anonymous contributions. Dr. Eu has asked me to respond directly to you.

The Political Reform Act requires that anonymous campaign contributions of one hundred dollars or more be promptly paid to the Secretary of State. You may deliver the check in person or by mail to the Secretary of State located at 1230 J Street, Sacramento, California, 95814.

The requirements regarding the disposition of anonymous campaign contributions are specified in Government Code Section 84304 which states:

"No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state."

In your letter, you requested Dr. Eu's response regarding anonymous contributions. The Secretary of State must administer the provisions of the Political Reform Act without exception. Although this agency does not have the discretion to alter current campaign law, we have forwarded a copy of your letter to the Fair Political Practices Commission for their review.

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Mr. Steve Hartman
October 31, 1989
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The Fair Political Practices Commission is the state agency with primary responsibility for the administration and implementation of the Political Reform Act.

If you have any questions, please contact Deona Vastine at 322-4883.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Steele".

Bob Steele, Manager
Political Reform Division

BS:mw

> cc: Fair Political Practices Commission

April 3, 1989

March Fong Eu
Secretary of State
Political Reform Division
P.O. Box 1467
Sacramento, Calif. 95812-1467

Dear Madam Secretary:

Under the campaign disclosure provisions of the Political Reform Act dated 1989, it is my responsibility to inform you of my receipt of an anonymous \$100 cash contribution. It is clear that this is a violation of Part VII PROHIBITIONS, paragraphs (B) and (G).

Though it is clear that said money is to be turned over to you, the Secretary of State for deposit into the state's general fund, it is not clear as to how I should send the money. Do I deposit said one hundred dollars into the campaign account and issue a check to the Secretary of State, or do I send the cash, as received, under certified letter.

I must tell you also that I feel deposit into the state's general fund is unfair to the people of my community. My campaign to oust three members of the city council in a recall effort is strictly a local issue. Someone who wished not to be identified, for one reason or another, indeed cares about this community. Whereas giving the state \$100 is like dropping a grain of sand into the Pacific Ocean, donating \$100 to a local charity (ie; Big Brothers and Sisters, Special Olympics, etc.) can be of real benefit. Therefore, I would ask you, Madam Secretary, to exempt this specific contribution from state general fund deposit so it might be better used in my community.

Please consider my request.

Sincerely,



Steve Hartman, Treasurer
RECALL '89
A Committee for the Recall of Councilmembers
Wormhoudt, Lane, and Yokoyama
107 James St.
Santa Cruz, Calif. 95062

cc: Sen. Henry Mello
Santa Cruz City Clerk
Ass. Sam Farr



California Fair Political Practices Commission

November 8, 1989

Steve Hartman
Treasurer
RECALL '89
107 James Street
Santa Cruz, CA 95062

Re: Letter No. 89-635

Dear Mr. Hartman:

Your letter requesting advice under the Political Reform Act was received on November 2, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace 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 "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh