



California Fair Political Practices Commission

June 26, 1991

Peter Bagatelos
Bagatelos and Fadem
601 California Street, Suite 1801
San Francisco, CA 94108

Re: Your Request for Informal
Assistance
Our File No. I-91-295

Dear Mr. Bagatelos:

You have requested confirmation of telephone advice concerning the campaign provisions of the Political Reform Act.^{1/} Your letter does not indicate the name of the committee on whose behalf you are seeking advice. Accordingly, we consider your request to be one for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

Your letter, dated June 5, 1991, accurately reflects my advice. The following provides an analysis of that advice.

DISCUSSION

A recipient committee was originally formed to support the qualification, and subsequently the passage, of ballot measures being voted upon simultaneously in a county election and in a city election. After the qualification of these two measures, the committee filed campaign statements in the two jurisdictions pursuant to Section 84200.5(f).

The committee is currently supporting a ballot measure in a different city and intends to support ballot measures in various jurisdictions in the future. You asked whether the committee is required to file campaign statements pursuant to Section 84200.5(f) for each ballot measure it supports or opposes.

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.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Peter Bagatelos
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Section 84200.5(f) requires that a campaign statement be filed by any committee primarily formed to support or oppose the qualification of a ballot measure within 21 days after petitions supporting the placement of a measure on a ballot are filed, or within 21 days of the deadline for filing such petitions. The closing date for the period covered by this statement is seven days before the due date for the statement.

Section 82047.5 states:

"Primarily formed committee" means a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following:

- (a) A single candidate.
- (b) A single measure.
- (c) A group of specific candidates being voted upon in the same city or county election.
- (d) Two or more measures being voted upon in the same city or county election.

According to your letter, the committee meets the definition of a "general purpose committee."

...any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5.

Section 82027.5.

Only those committees that meet the definition of a committee primarily formed to support or oppose the qualification of a ballot measure are required to file a campaign statement pursuant to Section 84200.5(f). The committee described in your letter does not meet this definition. Therefore, the committee should file campaign statements as a general purpose committee pursuant to Sections 84200 and 84200.5(d) or (e), as applicable.

A copy of your letter is enclosed for your convenience.

If you have additional questions, please feel free to contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel


by: Kevin S. Braaten-Moen
Political Reform Consultant

Enclosure

BARRY FADEM
PETER A. BAGATELOS

JUN 11 1991

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June 5, 1991

Fair Political Practices Commission
428 J Street, Suite 800
P.O. Box 807
Sacramento, CA 95804-0807

Dear Kevin:

This will confirm our telephone conversation on May 14, 1991. At that time, I advised you that we represent a recipient committee that originally organized to support and oppose ballot measures at the city, county, and statewide levels, as indicated on its Form 410 Statement of Organization.

The committee's initial activities were to support referenda simultaneously in a county election and a city election. The committee filed a 21-day post campaign statement with respect to these elections. Subsequently, the committee has been supporting a referendum in a different city. The committee expects to be involved in additional different measures in the future.

My question to you was whether this committee needs to continue filing 21-day post campaign reports in each of these jurisdictions?

You advised that the FPPC has consistently given advice that such a committee is not considered as being primarily formed for the purpose of supporting or opposing a measure, and therefore should file as an ongoing general purpose committee. The committee would not be required to file any further 21-day post campaign statements. In support of this advice, you provided me with a copy of a letter to Charles G. Abdelnour, J.D., dated November, 1990 (FPPC File Number A-90-670). Consistent with this advice, the committee that we represent should then plan to file regular semi-annual and/or pre-election campaign statements pursuant to Government Code §84211.

Thank you for your assistance. I would appreciate it if you would please confirm this advice in writing.

Very truly yours,



Peter A. Bagatelos

PAB/mlq
admin:6-5fppc

June 1991

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