



California Fair Political Practices Commission

October 14, 1993

Mr. Harvey Tsuboi
Office of the
Secretary of State
P.O. Box 1467
Sacramento, CA 95807

Re: Your Request for Advice
Our File No. I-93-363

Dear Mr. Tsuboi:

You have requested advice concerning the campaign provisions of the Political Reform Act ("the Act").^{1/} Because your question is of a general nature we have provided the following informal advice.^{2/}

QUESTION

Is a committee that is formed to support both a local ballot measure and a state ballot measure a primarily formed committee or a general purpose committee?

CONCLUSION

Because the committee is formed to support ballot measures being voted upon in different jurisdictions, it will qualify as a general purpose committee.

FACTS

One of your duties with the Secretary of State is to review Statements of Organization (Form 410). You received a Form 410 from a committee which indicated the committee was formed to support Measure P, a Santa Cruz county ballot measure, and Proposition 172, a state ballot measure. Both measures address the sales tax extension issue and will be voted upon on November 2, 1993.

^{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.

ANALYSIS

Persons that receive \$1,000 or more in a calendar year for political purposes qualify as a committee. (Section 82013.) Within 10 days of qualifying as a committee, a Statement of Organization (Form 410) must be filed which, among other things, discloses the type of committee being formed. (Sections 84101 and 84102.)

Section 82047.5 defines a primarily formed committee as follows:

...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, county, or state election.

Section 82027.5 defines a general purpose committee as follows:

...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.

(b) A "state general purpose committee" is a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.

(c) A "county general purpose committee" is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

(d) A "city general purpose committee" is a committee to support or oppose candidates or measures voted on in only one city.

Since Measure P is a county ballot measure and Proposition 172 is a state ballot measure, we conclude that a committee formed to support these measures does not qualify as a primarily formed committee because the measures are being voted upon in different jurisdictions, not satisfying the requirement of Section 82047.5(d). Accordingly, the committee qualifies as a state general purpose committee. (Section 82027.5(b).)

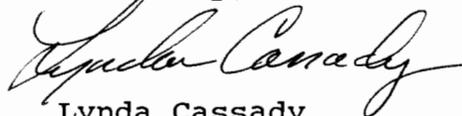
^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

As a state general purpose committee, it will be required to file its original statements with the Secretary of State and copies with its county of domicile as well as the Registrar-Recorder of Los Angeles County and the Registrar of Voters of San Francisco.

In addition, special reports will be required if the committee makes independent expenditures in connection with either of the two measures. (Section 82031.) If the committee makes independent expenditures of \$500 or more in connection with either measure, it must file supplemental independent expenditure reports (Form 465). (Section 84203.5.) In addition, if the committee makes independent expenditures of \$1,000 or more during the 16 days prior to either election, it must file late independent expenditure reports. (Sections 82036.5 and 84204.) The filing officer for independent expenditure statements filed in connection with Proposition 172 will be the Secretary of State, the Registrar-Recorder of Los Angeles County and the Registrar of Voters of San Francisco. The Santa Cruz Registrar of Voters is the filing officer for such statements filed in connection with Measure P.

If you have questions concerning this letter, please contact me at (916) 322-5662.

Sincerely,



Lynda Cassady
Assistant Division Chief
Technical Assistance Division

ADVICE LETTER # I-93-363 REQUESTER: Tsuboi, Harvey

This letter was written by: Cassady, C.

The 21 working-days expires: N/A

However, a response has been requested by: _____

Upon review, return to: Lynda Cassady

Division Chief, TAD

CW APPROVED

Comments: Steve - normally you would not review our internal letters, but in Scott's absence, you should look at this one.

Assistant General Counsel: [Signature]

[Signature] APPROVED

____ NOT APPROVED

____ Without change

See changes noted in letter - Just in the address - see note

Comments: _____

General Counsel:

____ APPROVED

____ NOT APPROVED

____ Without change

____ See changes noted in letter

Comments: _____

October xx, 1993

office of the
Mr. Harvey Tsuboi
Secretary of State
P.O. Box 1467
Sacramento, CA 95807

Might want to add
"Office of the" to
address. Otherwise,
it looks like we've
promoted Harvey. ✖

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Sincerely,

Lynda Cassady
Assistant Division Chief
Technical Assistance Division



March Fong Eu
Secretary of State

1230 J Street
P.O. Box 1487
Sacramento, California 95807

POLITICAL REFORM DIVISION
(916) 322-4880
FAX
(916) 322-2060

FACSIMILE TRANSMITTAL

Please deliver the following pages to:

NAME: DEANNE STONE
LOCATION: LEGAL DIVISION
FAX NUMBER: 327-2026

FROM: HARVEY Tsuboi (323-6660)

NUMBER OF PAGES: 2
(Including transmittal sheet)

DATE: 9-28-93

TIME: 11:46

COMMENTS:

03/20/88 11:30 0002

FILER: CITIZENS FOR PUBLIC SAFETY IS PRIMARILY FORMED TO SUPPORT MEASURE P AND PROP 172. (MEASURE P IS A BACK-UP MEASURE IN CASE PROP 172 FAILS.)

FACTS: FILER IS THE "LOCAL PROPONENT" FOR MEASURE P. THE FILER INTENDS TO DISTRIBUTE MASS MAILERS IN THE COUNTY OF SANTA CRUZ URGING THE PUBLIC TO VOTE FOR BOTH PROP 172 AND MEASURE P. BOTH PROP 172 AND MEASURE P ADDRESS THE SAME ISSUE - THE SALES TAX EXTENSION.

PROBLEM: THE FILER IS PRIMARILY FORMED TO SUPPORT THE SALES TAX EXTENSION. YET, ACCORDING TO THE LETTER OF THE LAW, THE FILER IS NOT A PRIMARILY FORMED COMMITTEE. EFFECTIVE JANUARY 1, 1992, THE DEFINITION OF A STATE PRIMARILY FORMED COMMITTEE WAS BROADENED TO INCLUDE A COMMITTEE WHICH IS FORMED TO SUPPORT/OPOSE TWO OR MORE MEASURES BEING VOTED UPON IN THE SAME STATE ELECTION. IN THE PAST, COMMITTEES WHICH SUPPORTED TWO OR MORE STATE MEASURES WERE DEEMED GENERAL PURPOSE, ALTHOUGH THEY WERE USUALLY PRIMARILY FORMED TO SUPPORT/OPOSE A GROUP OF RELATED ISSUES. SINCE GENERAL PURPOSE COMMITTEES ARE NOT REQUIRED TO FILE A LATE CONTRIBUTION REPORT WHEN THEY RECEIVE \$1,000 OR MORE FROM A SINGLE CONTRIBUTOR DURING THE 16 DAYS IMMEDIATELY PRECEDING AN ELECTION, MANY OTHERWISE PRIMARILY FORMED COMMITTEES ESCAPED THE FULL DISCLOSURE REQUIREMENTS OF A PRIMARILY FORMED COMMITTEE. SINCE PRIMARILY FORMED COMMITTEES ARE SIGNIFICANTLY ACTIVE DURING THE LATE CONTRIBUTION PERIOD, THE PUBLIC NEEDS TO KNOW THE IDENTITY OF MAJOR CONTRIBUTORS. THUS, THE INTENT OF THE LAW CHANGE WAS TO PRESERVE THE PUBLIC'S RIGHT TO KNOW IF ANY SPECIAL INTERESTS SUPPORTED A GROUP OF RELATED STATE MEASURES. HOWEVER, IN THIS PARTICULAR CASE, THE LAW APPEARS TO WORK AGAINST THE PURPOSES OF THE ACT. IF WE RIGIDLY ADHERE TO THE LETTER OF THE LAW, THIS "GENERAL PURPOSE COMMITTEE" WILL NEVER NEED TO DISCLOSE ANY MAJOR CONTRIBUTORS DURING THE TYPICALLY ACTIVE LATE CONTRIBUTION PERIOD.

CONCLUSION: THE FILER IS PRIMARILY FORMED IN EVERY REAL SENSE OF THE TERM. IT WOULD NOT BE IN THE BEST INTERESTS OF THE PUBLIC TO IGNORE THE SPIRIT OR INTENT OF THE LAW.