

September 12, 2013

Thomas Hudson
Executive Director & Treasurer
California Taxpayer Protection Committee
9971 Base Line Road
Elverta, CA 95626-9411

Re: Your Request for Informal Assistance
Our File No. I-13-117

Dear Mr. Hudson:

This letter responds to your request for advice on behalf of the California Taxpayer Protection Committee (“CTPC”) regarding the campaign provisions of the Political Reform Act (the “Act”).¹ Because your question concerns past conduct, we are treating your letter as a request for informal assistance. The Fair Political Practices Commission (the “Commission”) does not provide formal advice relating to past conduct. (Regulation 18329(b)(8)(A).) However, the Commission can provide a general explanation of the requirements of the Act where the assistance sought is related to possible amendment of previous reports filed by the person requesting the advice. (Regulation 18329(c)(4)(A).)

QUESTION

Is the CTPC required to file a Supplemental Independent Expenditure Report (Form 465) for two separate payments on May 7, 2013 for slate mail advertising in opposition to the “Safe, Clean, and Reliable Drinking Water Supply Act,” a water bond measure scheduled to appear on the statewide November 2014 general election ballot?

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

CONCLUSION

Yes. CTPC was required to file an original and one copy of the Form 465 with the Secretary of State by July 31, 2013.²

FACTS

The CTPC is a “statewide general purpose committee” that is “not a sponsored or candidate-controlled committee.” The CTPC made two separate payments on May 7, 2013 for slate mail advertising in opposition to the statewide water bond that is scheduled to appear on the November 2014 statewide general election ballot.

One payment of \$2,450.00 was paid to the Conservative Voter Guide (Committee ID #1336975) and the other payment of \$2,450.00 was paid to the California Taxpayer Protection Voter Guide (Committee ID #1299482), which is not affiliated with CTPC (Committee ID #1287571).

The name of the statewide water bond that the Committee opposes is the “Safe, Clean, and Reliable Drinking Water Supply Act” and it has not yet been assigned a proposition number. It was placed on the November 4, 2014 ballot by the Legislature.

You state this bond has been postponed before by the Legislature, and it might be postponed again. The CTPC has no control over and no knowledge about when the slate mailers in opposition to this water bond will be mailed to voters.

ANALYSIS

Section 84215 provides, in part, that:

“(a)...all state general purpose ... committees and filers...shall file a campaign statement by online or electronic means, as specified in Section 84605, and shall file the original and one copy of the campaign statement in paper format with the Secretary of State.”

The requirement for the supplemental independent expenditure report is found in Section 84203.5, which provides:

“(a) In addition to any campaign statements required by this article, if a candidate or committee has made independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports *at the same time, covering the same periods, and in the places where the candidate or committee*

² This is assuming the bond qualified as a measure on or by June 30, 2013. If it qualified as a measure after June 30, 2013, then Form 465 must be filed by October 31, 2013, which is when a committee, if formed, would have to file a quarterly report.

would be required to file campaign statements under this article, as if it were formed or existing primarily to support or oppose the candidate or measure or qualification of the measure. No independent expenditure report need be filed to cover a period for which there has been no activity to report.” (Emphasis added.)

The purpose of the supplemental independent expenditure report (Form 465) is to get information about independent expenditures of \$1,000 or more made by any candidate or committee, *reported in the jurisdiction* where the affected candidate or measure is on the ballot.

You state that the “Safe, Clean, and Reliable Drinking Water Supply Act” is a “statewide water bond” measure. Therefore, Section 84215(a) applies and CTPC should have filed the Form 465 with the Secretary of State by July 31, 2013.

Under Section 84203.5, when CTPC makes an independent expenditure opposing the water bond measure, the committee would need to file a Supplemental Independent Expenditure Report (Form 465). A committee making independent expenditures on a ballot measure will file the Form 465 *at the same time and in the same location where the ballot measure committee supported or opposed by the independent expenditures is required to file.*

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: Emelyn Rodriguez
Counsel, Legal Division

ER:jgl