

October 28, 2013

Kathryn E. Donovan
Pillsbury Winthrop Shaw Pittman LLP
2600 Capitol Avenue, Suite 300
Sacramento, CA 95816-5930

Re: Your Request for Advice
Our File No. A-13-131

Dear Ms. Donovan:

This letter responds to your request for advice on behalf of Bay Meadows Land Company, LLC (“Bay Meadows”) regarding campaign reporting provisions of the Political Reform Act (the “Act”).¹

QUESTION

Is Bay Meadows required to file a special Odd-Year Report for the first quarter of 2013 because of contributions it made to “Better Schools and Safer Neighborhoods for Los Angeles Committee to Support Curren Price”?

CONCLUSION

No. The filing of a special Odd-Year Report for the first quarter of 2013 would not be required because the contributions in question were already disclosed prior to the local election. Disclosure of the same information, in the same filing period, and in the same jurisdiction, would not provide additional useful information to the public and therefore would not further the purposes of the Act.

FACTS

You are requesting formal written advice on behalf of your client, Bay Meadows and its affiliated entities. You are following up on the recent telephone advice provided to you by the Fair Political Practices Commission (“FPPC”).

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.

Your questions involve the Odd-Year Campaign Report required by Government Code Section 84202. 7. During the first quarter of 2013, Bay Meadows made the following contributions:

DATE	RECIPIENT COMMITTEE	AMOUNT	JURISDICTION/OFFICE	ELECTION DATE
2/7/13	James Butts for Mayor 2015	\$746	Inglewood/Mayor	2014
2/15/13	Re-Elect Judy Dunlap 2013	\$2,500	Inglewood/City Council	4/2/2013
2/7/13	James Butts for Mayor 2015	\$20,000	Inglewood/Mayor	2014
2/7/13	James Butts for Mayor 2015	\$236	Inglewood/Mayor	2014
2/7/13	James Butts for Mayor 2015	\$1,587	Inglewood/Mayor	2014
2/28/13	Better Schools and Safer Neighborhoods for Los Angeles Committee to Support Curren Price	\$20,000	City of Los Angeles/City Council	3/5/2013
3/4/13	Yvonne Horton for City Clerk 2015	\$15,000	Inglewood/City Clerk	2015

Bay Meadows was a county major donor committee as of February 28, 2013, and remained a county major donor committee through March 31, 2013, because all of its contributions were made to support candidates running for office within a single county, the County of Los Angeles, and it did not make more than 70 percent of its contributions to support or oppose candidates in a single city. As a county major donor committee, Bay Meadows was required to file its campaign reports with the Registrar-Recorder of Los Angeles County, the elections official in the County of Los Angeles.

Although all of the contributions that Bay Meadows made were to support candidates for local office in various elections in Los Angeles County, the \$20,000 contribution made on February 28, 2013, to “Better Schools and Safer Neighborhoods for Los Angeles Committee to Support Curren Price for 2013,” involved an incumbent elected state officer, Senator Curren Price, who also was a candidate for City Council in Los Angeles on the March 5, 2013 ballot.

You state that Government Code Section 84202.7 appears to have required Bay Meadows to file an Odd-Year Report covering the contributions made during the first quarter of 2013. Based on the telephone advice provided by you and the FPPC, Bay Meadows filed this report with Los Angeles.

You ask whether such a filing was required of Bay Meadows because Bay Meadows did not qualify as a state major donor committee during the first quarter of 2013.

ANALYSIS

Government Code Section 84202.7 provides:

“(a) Except as provided in subdivision (b), during an odd-numbered year, any committee by virtue of Section 82013 that makes contributions totaling ten thousand dollars (\$10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below shall file campaign statements on the following dates:

- (1) No later than April 30 for the period of January 1 through March 31.
- (2) No later than October 31 for the period of July 1 through September 30.

“(b) If a committee makes contributions totaling ten thousand dollars (\$10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.”

Government Code Section 82024 provides:

“ ‘Elective state office’ means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.”

Section 84202.7 requires the filing of a quarterly campaign disclosure statement (a “special Odd-Year Report”) by any committee pursuant to Section 82013 that makes contributions totaling \$10,000 or more *to elected state officers or their controlled committees* during the first and third quarters of any odd-numbered year. (Section 82024.)

Bay Meadows provided a contribution of \$20,000 to Better Schools and Safer Neighborhoods for Los Angeles Committee to Support Curren Price on March 5, 2013. Mr. Price, a state senator, was an elected state officer under Government Code Section 82024 during the time the contribution was made.

Therefore, by virtue of having provided a contribution totaling \$10,000 or more to Better Schools and Safer Neighborhoods for Los Angeles Committee to Support Curren Price (a committee primarily formed to support an elected state officer) Bay Meadows qualified as a major donor committee subject to the Odd-Year Report filing requirement during the first quarter of 2013 under Section 84202.7.

We note that while Section 84202.7 appears to require Bay Meadows to file the Odd-Year Report, we find that in this particular case it is not necessary. The contribution was *not* made for the purposes of electing Senator Price to a state office, but was in connection with his successful candidacy for Los Angeles City Council on the March 5, 2013 ballot.

Furthermore, as you noted in your facts, Bay Meadow's contribution to then-Senator Price's Los Angeles City Council campaign was already disclosed by Bay Meadows and the recipient committee on pre-election reports filed with the City of Los Angeles and/or the County of Los Angeles prior to that election.

Therefore, we conclude that in this case, the filing of a special Odd-Year Report for the first quarter of 2013 would not be required because the contributions in question were already disclosed prior to the election. Disclosure of the same information, in the same filing period, and in the same jurisdiction, would not provide additional useful information to the public and therefore would not further the purposes of the Act.

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