



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
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July 6, 2010

Adao Silvas

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RE: Advisory Letter
FPPC Case No. 10/582

Dear Mr. Silvas:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act).¹ As you are aware, we recently received a complaint against you and the other proponents of a recall alleging that you and the other proponents have violated the campaign disclosure provisions of the Act.

Among other things, the Act imposes reporting requirements on organizations, called committees, formed to recall elected officeholders. A recipient committee is any person or combination of persons who receives contributions totaling \$1,000 or more in a calendar year. (Section 82013(a).) In addition, when two or more individuals pool money to make contributions or expenditures totaling \$1,000 or more in a calendar year, they are required to file as a single recipient committee under Section 82013(a). (*Lowell* Advice Letter, No. 1-95-015; *Culver* Advice Letter, No. 1-94-00; *Mark, et al.* Advice Letter, No. 1-93-139; *Gross* Advice Letter, No. A-93-128.)

The terms "contribution" and "expenditure" are generally defined as any monetary or non-monetary payment made for political purposes for which full and adequate consideration is not received. (Section 82015; Regulation 18215(a).) A payment is "made for political purposes" if it is for the purpose of influencing or attempting to influence the action of the voters for or against qualification or passage of any *measure*. (Regulations 18215(a)(1); 18225(a)(1).)

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 18109 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.

The Act defines "measure" to include a recall. (Section 82043.) It appears you are one of a group of proponents of a recall of three City of Livingston council members. A recall proposal becomes a "measure" when proponents begin circulating petitions to qualify the proposal for the ballot. (*In re Fontana* (1976) 2 FPPC Ops. 25.) Once a proposal becomes a measure, all contributions received and expenditures made must be reported, including those received and made before the campaign reporting requirements were triggered. (*Angus Advice Letter*, No. A-97-173.) The filing requirements for primarily formed ballot measure committees are explained in detail in the FPPC Campaign Information Manual 3, which is available on our website.

After review of the complaint, we have decided to close this matter without commencing further investigation. The FPPC publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact me at (916) 322-8241.

Sincerely,

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Adrienne Korchmaros
Political Reform Consultant
Enforcement Division

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cc: Brandon Friesen