

# Memorandum

To : File

Date : Nov. 2, 1978

84204  
78-174  
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From : FAIR POLITICAL PRACTICES COMMISSION  
Barbara Campbell *BC*

Subject: Government Code Section 84204

Kirk Pessner called on Tuesday, October 31, 1978, to ask if someone has an obligation to file a campaign statement as a proponent of a statewide ballot measure.

An individual paid an attorney to draft an initiative statute. The statute was submitted to the Attorney General's Office for title and summary. Elections Code Section 3502. The individual paid the \$200 fee required by Elections Code Section 3503. The individual has now changed his mind and does not want to proceed with the initiative. Does the individual have to file a proponent's campaign statement?

"Proponent" is not defined in the Political Reform Act. It is, however, defined in Elections Code Section 22710 as:

... the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he prepare a title and summary of the chief purposes and points of the proposed measure.

Government Code Section 84204 requires a proponent of a statewide ballot measure to file a campaign statement by a certain date which is defined by the time period for circulation of an initiative. A proponent's campaign statement is due 35 days after either the deadline for filing petitions or the date of notification the measure either qualified or failed to qualify, whichever date is earlier.

Since the title and summary have not been completed by the Attorney General, no "official summary date" has been designated nor has a filing deadline been established. Elections Code Section 3513. No petitions can be circulated until the official summary date.

File  
Nov. 2, 1978  
Page Two

Under those circumstances, I advised Kirk Pessner that the individual did not have an obligation to file a proponent's campaign statement. I suggested that a copy of the letter to the Attorney General withdrawing the petition be sent to the Secretary of State.

BC:plh  
cc: Ted P.  
Lee R.  
Gina S-K.