



FAIR POLITICAL PRACTICES COMMISSION

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January 25, 2007

William Walker
Member, County Central Committee
P.O. Box 20154
El Sobrante, CA
94820

**RE: Your Request for Informal Assistance
Our File No. I-07-008**

Dear Mr. Walker:

This letter is in response to your request for advice regarding the reporting provisions of the Political Reform Act (the "Act").¹ Nothing in this letter should be construed to evaluate any conduct that may have already taken place, and any conclusions contained in this letter apply only to prospective actions.² In addition, this letter is based on the facts presented. The Fair Political Practices Commission (the "Commission") does not act as a finder of fact when it renders assistance. (*In re Oglesby* (1975) 1 FPPC Ops. 71.) Because your letter seeks general information, we are treating your request as one for informal assistance.³

QUESTION

Does the Act impose any reporting obligations on an organization that has received a total of \$750 in donations, or any prohibitions on how that money is spent?

CONCLUSION

No. Based upon the facts you provided in your letter, the organization does not qualify as a recipient committee because it has not received contributions of \$1,000 or

¹ Government Code sections 81000-91014. Commission regulations appear at title 2, sections 18109-18997, of the California Code of Regulations.

² The Commission does not advise with respect to past conduct. (Regulation 18329(b)(8)(A), copy enclosed.)

³ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; regulation 18329(c).)

more in a calendar year. Until such time as it meets either of those thresholds, you are not subject to the registration or reporting provisions of the Act.

FACTS

You are a member of a non-chartered Democratic Club (the "Club"). The Club received \$250 before the November 7, 2006 election from a state senator. After the election, the Club received \$500 from a state assembly member. The Club has spent \$250 on creating Internet websites, buying coffee and donuts for volunteers, and printing flyers. The Club has not spent the remaining \$500. The funds were not spent for a particular candidate, but for a "get out the vote" drive for local Democrats. The Club is considering contributing the \$500 to a committee for "California for John Edwards 2008."

In our telephone conversation on January 11, 2007, you stated that you received no other funds in 2006, had a small collection of people who participated in the Club, did not collect dues, and have not filed papers of any kind to be a recognized club. The Club is in its inception phases, and its purpose, you stated, is to "get out the vote" to the local Latino and African-American populations who historically have had a low voter-turnout.

ANALYSIS

The campaign disclosure provisions of the Act require candidates and "committees" to file periodic reports disclosing contributions received and expenditures made. (Section 84100 *et seq.*) The term "committee" includes a person or combination of persons that receives contributions totaling \$1,000 or more in a calendar year (a "recipient committee"). (Section 82013(a), copy enclosed.)

Section 82015 defines the term "contribution" as a payment made for political purposes. A payment is made for political purposes if it is made "for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure" or is "received by or made at the behest of a candidate or committee." (Regulation 18215(a)(1) and (2).)

Any group that receives contributions of \$1,000 or more in a calendar year meets the definition of "committee" and becomes subject to the Act's reporting requirements. (Section 82013(a).)

Under the facts you presented, the Club does not qualify as a committee under the Act because it has not met the \$1,000 threshold found in section 82013(a). Thus, the

Club is not subject to the reporting provisions in the Act.⁴

If, in coming years, the Club accepts \$1,000 or more in contributions in a calendar year it would be subject to the registration and reporting requirements under the Act.⁵ While the Club does not meet the minimum thresholds at this time, it will be important for you to closely track your contributions and expenditures.

Finally, with respect to the organization's \$500 potential contribution to a "California for John Edwards 2008" committee, because John Edwards is a federal candidate and the Commission does not regulate federal campaigns, there is nothing in the Act that would prohibit you from making this contribution. You may want to inquire with the Federal Election Commission on this point, however.

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

Sincerely,

Luisa Menchaca
General Counsel



By: Heather M. Rowan
Counsel, Legal Division

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⁴ Because of the limited facts you have provided, our analysis does not determine whether the indicated payments are contributions or independent expenditures under the Act, and our discussion is limited to whether the organization qualifies as a committee so as to implement the Act's reporting provisions. If, in the future, you have further questions regarding whether certain payments qualify as "contributions" or "independent expenditures," you may submit another written request and provide the facts necessary for us to examine that inquiry.

⁵ For your future reference, Section 84101 requires a recipient committee to file a Statement of Organization (Form 410) with the Secretary of State within 10 days after it has qualified as a committee. Thereafter, periodic disclosure statements must be filed to reflect all contributions received and expenditures made once an organization qualifies as a committee. (Sections 84200, 84200.5 *et seq.*) If the Club qualifies as an independent expenditure committee, it will be required to file a Form 461, as well as other disclosure statements.