

496 24-hour/10-day Independent Expenditure Report Instructions

What is an “independent expenditure”?

An “independent expenditure” is an expenditure made in connection with a communication (e.g., a billboard, advertisement, or mailing) that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure.¹ An independent expenditure is a payment that is not made to—or at the behest of—the affected candidate or committee.

Independent Expenditures in Connection with STATE Elections – When and Where to File a 24-hour/10-day Independent Expenditure Report Form 496

When: A 24-hour Independent Expenditure Report Form 496 is due within **24 hours** when:

- Independent expenditures that total in the aggregate \$1,000 or more are made to support or oppose a single state candidate or a single state ballot measure in the 90 days before or on the date of the candidate’s or measure’s election.

A 10-day Independent Expenditure Report Form 496 is due within **10 business days** when:

- A recipient committee that is required to file electronically with the Secretary of State makes independent expenditures totaling \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure outside the **90-day** election cycle.

Where: File Independent Expenditure Reports Form 496 electronically with the Secretary of State (www.sos.ca.gov). No paper copies are required and no copies are required to be filed with other filing officers.

A committee that makes independent expenditures in connection with a CalPERS or CalSTRS election must also file a copy with the relevant board’s office.

Independent Expenditures in Connection with LOCAL Elections – When and Where to File a Form 496

When: A Form 496 is due within **24 hours** when:

- Independent expenditures that total in the aggregate \$1,000 or more are made to support or oppose a single local candidate or a single local ballot measure in the 90 days before or on the date of the candidate’s or measure’s election.

A Form 496 is due within **10 business days** when:

- A recipient committee makes independent expenditures totaling \$5,000 or more to support or oppose the **qualification** of a single local ballot measure.

Where: File Form 496 by **fax**, guaranteed overnight delivery, personal delivery or email with the filing officer(s) who would receive your campaign **reports statements** if you were a committee primarily formed to support or oppose the candidate or ballot measure supported or opposed by the independent expenditure. In most cases this is the filing officer with whom the candidate or ballot measure committee files. Regular mail may not be used. A local ordinance may also require this form to be filed electronically.

Other Important Information

- Candidates:** Form 496 is not required for expenditures supporting your election that are made from your committee, including expenditures opposing an opponent.
- Ballot Measure Committees:** A primarily formed ballot measure committee does not file Form 496 for expenditures made in support of its campaign.
- All independent expenditures reported on Form 496 must also be reported on subsequent campaign reports (i.e., **pre-election, semi-annual, quarterly, etc. Forms 460, 450 or 461**).

- Form 462 – Verification of Independent Expenditures** is also required to be filed when an independent expenditure that totals in the aggregate \$1,000 or more is made. The principal officer, or in the case of a controlled committee, the candidate or state measure proponent who controls the committee, must verify that he/she has not received any unreported money or reimbursement to make the independent expenditures and has not coordinated with the candidate or the opponent of the candidate or the proponent or the opponent of the state measure that is the subject of the expenditure. Form 462 must be filed with the Fair Political Practices Commission.
- CalPERS and CalSTRS Candidates:** The date of the election is the deadline to return ballots.

Reporting Examples

- A state general purpose committee makes an independent expenditure by paying for an advertisement opposing two city council candidates. The ad costs \$4,000 and features the candidates equally. The committee must file a separate **24-hour Independent Expenditure Report Form 496** with the city clerk’s office for each candidate within 24 hours and disclose \$2,000 for each candidate.
- A committee makes a \$500 independent expenditure to support a candidate 60 days before the candidate’s election and a second independent expenditure for the same candidate of \$600, 20 days before the election. A **24-hour Independent Expenditure Report Form 496** is required 24 hours after the second independent expenditure.

¹ A measure includes certain LAFCO proceedings.

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CALIFORNIA
FORM 496

How to Complete Form 496

Part 1. Name and Address of Filer: Identify the committee's name, phone number, street address, city, state, and zip code. In the case of a committee that is a limited liability company (LLC), also disclose the committee's responsible officer, as defined in Regulation 18402.2, in the name of filer field. Provide, if applicable, the committee's ID number.

Report Number: Provide a unique identifying number on each Form 496 filed, such as 1, 2, 3, PR-1, PR-2, PR-3, etc. Amendments to a report must show the original report identification number and state the reason for the amendment. Indicate the date of filing the report, and note the number of pages included in the report.

Part 21. Candidate or Measure: Identify the candidate or ballot measure supported or opposed and the year of the election. Include the candidate's district number (if any) or the letter or number of the ballot measure and its jurisdiction. Use a separate form for each candidate or measure. For independent expenditures supporting or opposing the qualification of a local measure, identify the measure's name or subject matter.

Part 32. Independent Expenditures Made: Provide the date and in the description field, a description of the expenditure (e.g., radio advertisement, billboard, mailing) and the cumulative-to-date total for that candidate or measure in connection with the election. When filing an amendment, ensure that the cumulative-to-date total is accurate on the most recently filed Form 496. It is not necessary to amend the cumulative-to-date total on previous reports. In the amount field, list the amount of the specific expenditure disclosed in the description field.

Note: The cumulative-to-date total is not required when filing a 10-day \$5,000 ballot measure report outside of the 90-day election cycle.

Part 43. Contributions Received: Disclose contributions of \$100 or more received since the closing date of the last campaign report statement filed (Form 450 or 460) through the date of the independent expenditure. Start with January 1 if no report statement has been filed. Disclose the name and address of the contributor and, if the contributor is an individual, their his or her occupation and the name of their his or her employer. If the contributor is self-employed, disclose the name of the business. Include the date and amount of the contribution, the contributor code, and type of contribution. Enter the interest rate if the contribution is a loan.

Reporting LLC Contributions: If the contributor is a limited liability company (LLC) and has qualified as an independent expenditure committee or major donor committee, disclose the name of the LLC and the name of the committee's responsible officer as defined in Regulation 18402.2.

If the contributor is an LLC that has qualified as a recipient committee, disclose the name of the LLC's committee and the name of its principal officer as defined in Section 82047.6.

If the contributor is an LLC that has not qualified as a committee, report the name of the LLC and the name of at least one individual primarily responsible for approving the contribution.

Note: Except for contributions reported on a Form 496 related to the qualification of a local ballot measure, once a contribution has been reported on Form 496, it is not necessary to report that contribution on any additional Form 496 filings.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC Campaign Disclosure Manual for your type of committee. Campaign filing deadlines, forms, and other informational materials are available on the FPPC website (www.fppc.ca.gov).

Authority cited: Government Code Sections 81007, 81007.5, 82031, 82036.5, 84204, 84204.5, 84213, 84215, and 85500, and FPPC Regulation 18550.

496 Independent Expenditure Report

Amounts may be rounded to whole dollars.

1. Name and Address of Filer

NAME OF FILER

AREA CODE/PHONE NUMBER

I.D. NUMBER (if applicable)

STREET ADDRESS

CITY

STATE

ZIP CODE

Date of
This Filing _____

Report No. _____

Amendment
to Report No. _____
(explain below)

No. of Pages _____

Date Stamp

CALIFORNIA
FORM **496**

For Official Use Only

4 2. List Only One Candidate or Ballot Measure

NAME OF CANDIDATE SUPPORTED OR OPPOSED

ELECTION YEAR

OFFICE SOUGHT OR HELD

DISTRICT NO.

SUPPORT

OPPOSE

NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED

ELECTION YEAR

BALLOT NO./LETTER

JURISDICTION

SUPPORT

OPPOSE

2 3. Independent Expenditures Made

Attach additional information on appropriately labeled continuation sheets.

DATE	DESCRIPTION OF EXPENDITURE	AMOUNT

Reason for Amendment:

496 Independent Expenditure Report

CALIFORNIA
FORM 496

NAME OF FILER

I.D. NUMBER (if applicable)

4 3. Contributions of \$100 or More Received*

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE**	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED	CUMULATIVE TO DATE INTEREST RATES
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %
		IND COM OTH PTY SCC			If loan, enter interest rate, if any _____ %

*Major donor and independent expenditure committees that do not receive contributions are not required to complete Part 3.

** Contributor Codes
IND - Individual
COM - Recipient Committee (other than PTY or SCC)
OTH - Other (e.g., business entity)
PTY - Political Party
SCC - Small Contributor Committee