

Memorandum

To : ALL OPINION REQUEST MEETING
PARTICIPANTS

Date : August 31, 1976

M-76-321

From : FAIR POLITICAL PRACTICES COMMISSION
Ken Finney

Subject: Closing date for postelection campaign
statements -- Section 84205

At a previous opinion request meeting, we discussed whether a committee should be permitted to file its postelection campaign statement early when all contributions and expenditures with respect to the election to which the statement will apply have been made, but the committee will continue to receive and/or make contributions and to make expenditures prior to the closing date established by Section 84205 (albeit with respect to a different election). The main problem created by permitting an early filing is that the committee may close its books early but another committee to which it makes a contribution prior to the closing date might keep its books open until the specified closing date. If this occurs, the transaction would be reported on the recipient committee's postelection statement but not on the donor committee's postelection statement. To the contrary, the donor committee would report the contribution on its first preelection statement for the next election. In light of this problem, it was determined that strict adherence to the closing dates specified in the statute is desirable. Accordingly, at the present time, the staff should inform committees that they may not close their books prior to the specified closing date if they anticipate any further contributions or expenditures during the postelection period established by the statute.

In the meantime, the staff will investigate the feasibility of interpreting the last sentence of Section 84205 to read, in effect: "if all liabilities of the filer have been paid and no additional contributions or expenditures are anticipated with respect to the election for which the campaign statement is being filed." An interpretation of Section 84205 which reads into the statute the underlined portion of the foregoing quote would permit an early filing under the circumstances outlined above.

KF:cjb