

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

June 1, 1977

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James A. McKelvey
Chief Assistant
Office of the City Attorney
City Hall
2326 Fresno Street
Fresno, CA 93721

Re: Opinion Request No. 77-016

Dear Mr. McKelvey:

Thank you for your letter of May 9, 1977, in which you request an opinion regarding filing requirements under Chapter 4 of the Political Reform Act. Specifically, you asked if Government Code Section 84200 requires a city council candidate who is defeated in a general municipal election held on March 8 to file overlapping campaign statements if he again seeks election to the city council in a special municipal election held on May 31. Since your letter raises no substantial questions involving an interpretation of the Act, no formal opinion will be issued. However, I hope the following informal comments will be helpful.

Government Code Section 84200 requires candidates and committees supporting or opposing candidates to file campaign statements not later than 40 days and 12 days prior to the election and not later than 65 days after the election. In addition, Section 84210 requires that each campaign statement shall contain the total amount of contributions received and expenditures made during the period covered by the campaign statement.

Consequently, a candidate who runs for office in a March 8 election as well as a May 31 election should file campaign statements as follows:

<u>Type of Campaign Statement</u>	<u>Deadline Date</u>	<u>Period Covered</u>
1st Pre-March 8 Election	January 27	From the closing date of the most recent campaign statement or, if a cam- paign statement has never been filed, from the date of the first reportable transaction during the current calendar year through January 24.
2nd Pre-March 8 Election	February 24	January 25 - February 21
1st Pre-May 31 Election	April 21	February 22 - April 18
Post-March 8 Election	May 12	April 19 - May 5
2nd Pre-May 31 Election	May 19	May 6 - May 16
Post-May 31 Election	August 4	May 17 - July 28

The above schedule is applicable for candidates who run for office in both elections. A candidate who runs for office only in the second election would file only the statements for that election and the period covered for the first statement would be from the closing date of the candidate's most recent campaign statement or, if the candidate had never filed a statement, from the date of the first reportable transaction during the current calendar year.

When candidates and committees supporting or opposing candidates file according to the above schedule, they should keep two points in mind. First, all receipts and expenditures which occurred during a reporting period must be reported on the campaign statement which pertains to that period regardless of the fact that the receipts or expenditures may have been received or made in connection with different elections. See Government Code Section 84210. Second, the obligation to cumulate contributions and expenditures over more than one reporting period terminates upon the filing of a postelection statement. See Government Code Sections 84210 and 82018.

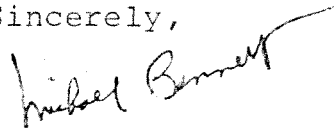
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In your letter you also ask if the answer to your first question would be different respecting a candidate who completes his first campaign in a solvent condition with all his liabilities paid as opposed to a candidate who completes his first campaign with a deficit which he hopes to retire from the proceeds of his second campaign.

Government Code Section 84205 provides, in part, that "any campaign statement required to be filed after an election by Sections 84200, 84201 and 84203 may be filed prior to the closing date if all liabilities of the filer have been paid and no additional contributions or expenditures are anticipated." Consequently, if a candidate satisfies the requirements of Section 84205, he or she may file a postelection statement early and, if the statement is filed prior to April 18 (closing date for the first preelection statement for the second election), the candidate's cumulative totals for the first election end, and subsequent filings will not include receipts and expenditures in connection with the first election.

I hope the above advice is helpful. If you have any additional questions, please contact John C. Greenwood of our staff. If you wish to appeal the denial of your opinion request, you may do so pursuant to 2 Cal. Adm. Code Section 18321.

Sincerely,



Michael Bennett
Executive Director

MB:JCG:jo