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State of California
Fair Political Practices Commission
P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

January 6, 1977

77-01-091

Mr. O. James Gibson, Manager
State and Local Government Relations
Public Affairs Division
Atlantic-Richfield Company
515 South Flower Street
Los Angeles, CA 90051

Re: Opinion Request No. 76-093

Dear Mr. Gibson:

Thank you for your letter of December 15, 1976, seeking an opinion with respect to when certain expenditures must be reported. Because your opinion request does not raise a substantial question of interpretation under the Political Reform Act, no formal opinion will be issued. I hope, however, that the following informal advice will resolve your problem.

You ask whether Atlantic-Richfield Company can delay reporting certain expenditures incurred prior to the closing date of its last preelection report when the exact cost of those expenditures will not be known until after the election. You suggest that it may be appropriate to delay the disclosure of the expenditures in question until the postelection campaign statement.

Government Code Section 82025 provides that "An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier." Government Code Section 84210(h) requires that all expenditures incurred "during the period covered by the campaign statement" be disclosed on the campaign statement due at the end of the period. In the case of the newspaper advertisements to which you refer, the consideration is received, at a minimum, no later than the time when those advertisements appear in the newspaper. Accordingly, the expenditure for the newspaper advertisements has been made during the period in which the advertisements appear and must be disclosed on the campaign statement which covers that period.

16

If you cannot determine the exact cost of the expenditure, a reasonable estimate will suffice since Government Code Section 81004 only requires "reasonable diligence" in the preparation of a campaign statement. After the exact amount of the expenditure is known, you can then amend the campaign statement to make it accurate. This procedure best comports with the purposes of the Political Reform Act by insuring disclosure of at least the recipient of the expenditure, although not the exact amount, prior to the election.

If you wish to appeal the denial of your opinion request you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any further questions, please contact Kenneth Finney, Chief of the Commission's Legal Division.

Sincerely,

Michael Bennett
Executive Director

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