A78-07-41

July 18, 1978

Miss Muriel A. Foster
Treasurer Pro-Tem
California State Central Committee
of the American Party
5738 Woodleigh Drive
Carmichael, California 95608

Dear Miss Foster:

This letter will confirm our telephone conversation of July 15, 1978. You stated at that time that the American Party of California had sponsored a fundraising dinner for Proposition 13 on May 13, 1978. You also stated that a Committee for Special Events (a subcommittee composed of members of your party) received all funds designated for the dinner and made all payments for expenses incurred in connection with the dinner. Additionally, any net income which may have been realized from the sale of the tickets for the dinner was retained by the committee. You have asked whether you, as treasurer for the American Party, have an obligation to file as a committee under the Political Reform Act due to your sponsorship of this event.

Government Code Section 82013 defines a Committee in relevant part as:

> "...any person or combination of persons who receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party, whether national state or local, if:
>
> (a) Contributions received total five hundred dollars ($500) or more in a calendar year."

Government Code Section 84100 requires that every "person"1/ which qualifies as a Recipient Committee as a result of receiving $500 or more in a calendar year must have a treasurer who has an obligation to register with the Secretary of State on behalf of the committee.

1/Government Code Section 82047: "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

If you, as treasurer of the American Party, do not receive an accounting of the funds received or spent by the Committee for Special Events chaired by Wilma Shirley the Party need not register as a committee under the law simply because it sponsored the event. If the Committee for Special Events, however, chooses to provide you with an accounting and other substantiating records pertaining to the event, the Committee for Special Events may then assume the role of the Party's "agent"2/ and the Party will therefore assume the reporting obligation. If the Committee for Special Events is not "agent" of the Party, they may qualify as a recipient committee (under Government Code Section 82013(a)) with an obligation to register with the Secretary of State's Office and file campaign statements.

A failure to report information required by the law may make the non-reporting entity subject to fines or other penalties as outlined in the Political Reform Act.

Very truly yours,

Regina Siciliano-Kutchins
Technical Assistance Program
Coordinator

2/Government Code Section 84100(c) in relevant part: "All contributions received by a person acting as an agent of a committee shall be reported promptly by the recipient to the committee's treasurer or any of his designated agents. "Promptly" as used in this section means not later than five days before the closing date of any campaign statement required to be filed by the treasurer, and immediately if the contribution was received less than five days before the closing date. All contributions shall be segregated from and may not be commingled with any personal funds of the recipient or any other person."

cc: Mamie A. Shirley, State Chairman

A78-07-41

July 18, 1978

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Treasurer Pro-Tem
California State Central Committee
of the American Party
5738 Woodleigh Drive
Carmichael, California 95608

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cc: Maxie A. Shirley, State Chairman

78041

Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

F P P C
JUL 3 12 27 PM '78

June 29,1978

Miss Muriel A. Foster
Treasurer Pro-Tem
California State Central
Committee of the American Party
5738 Woodleigh Drive
Carmichael, CA 95608

Dear Miss Foster:

Thank you for your letter of June 22 concerning political body sponsorship of a fund raising dinner in connection with a statewide initiative petition.

There is no restriction on whether a political body can sponsor fund raising events for political purposes, and no requirement that a political body file papers requesting approval of the event with a public agency. Therefore, there appears to be no question of the legality of holding the event referred to in your letter.

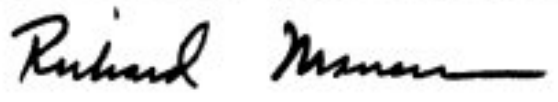
There is, however, a question of whether the sponsors of the event have incurred reporting duties under the Political Reform Act of 1974. The money appears to have been raised in support or opposition to a statewide initiative measure. Government Code 82013(a) defines a "Recipient committee" that incurs reporting duties as one whose "contributions received total five hundred dollars or more in a calendar year."

The issue at this point involves questions of whether a reporting duty has been incurred, and if so, which body has the duty of reporting (is it the "American Party" or the "Committee for Special Event"), and what filing deadlines apply.

I am sending a copy of your letter to the Technical Assistance Division of the Fair Political Practices Commission, which will be able to assist you with potential reporting requirements.

Very truly yours,

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



RICHARD B. MANESS
Legal Counsel
Elections and Political Reform

RBM:dk

the American Party

CALIFORNIA STATE CENTRAL COMMITTEE OF

the American Party

P.O. Box 41562 • Sacramento, California 95841
(916) 483-4653

June 22, 1978

Secretary of State
Elections Division
111 Capitol Mall
Sacramento, California 95814

ATTN: Mr. Maness
Elections Counsel

Dear Mr. Maness:

This is to confirm my telephone call this date for an appointment regarding a clarification on the matter of a political body and/or party sponsoring a fund raising event in support of an initiative measure.

Enclosed for the record is a copy of the flyer issued for this purpose.

On May 8, 1978 I called Mr. Arnold's Office on this and was referred to the Elections Division and subsequently to someone in your office. The information given me at that time on the phone was in effect; "There is nothing in the Elections Reform Act making it illegal for a political party to sponsor a fund raising event in support of an Initiative Measure. However, it is required that the Committee in charge of the event must file a report with the Secretary of State as to the amount of the funds raised when the amount is over $ 500.00".

Your cooperation in providing this information in writing is requested as the authority needed for the Committee's compliance as a record for our files and will be greatly appreciated.

Thank you.

Sincerely yours,

Muriel A. Foster

Muriel A. Foster -(Miss)
Treasurer Pro-Tem
California State Central Committee
of the American Party

Encl: Dinner Flyer

CALIFORNIA STATE CENTRAL COMMITTEE OF
the American Party
MAIL-O-GRAM
P.O. Box 41562 • Sacramento, California 95841 • (916) 483-4653

AMERICAN PARTY OF CALIFORNIA SPONSORS FUND-RAISING DINNER
FOR PROPOSITION 13

Senator Hotel Empire Room
12th and L Streets, Sacramento, CA 95814
Phone (916) 442-5081

Honoring

HOWARD JARVIS **PAUL GANN**

GUEST SPEAKERS

Saturday Evening, May 13, 1978
No-Host Cocktail Hour — 6:30 p.m.
Prime Rib Dinner — 7:30 p.m.

COME HAVE FUN AND HEAR THE TRUE FACTS ON PROPOSITION 13!
Donation $25

DINNER RESERVATIONS MUST BE POSTMARKED NO LATER THAN MAY 2, 1978

Six Floors of Parking at 10th and L

BECAUSE OF THE POPULARITY OF PROPOSITION 13 AND ITS AUTHORS, SEATING IS EXTREMELY LIMITED.
SEND FOR YOUR RESERVATIONS **TODAY!**

DETACH AND MAIL TO:

Wilma Shirley, Chairman
Committee for Special Events
2504 Hernando Road, Sacramento, Ca 95825

(Make checks payable to Committee for Special Event)

Enclosed $ _____ donation ($25 donation per person) for _____ reservations for AMERICAN PARTY Dinner featuring **Howard Jarvis** and **Paul Gann** as honored speakers.

Name _____ Phone ( ) _____

Address _____ City _____

County _____ Zip _____

(I understand I can pick up my tickets at the door)

I cannot attend, however, enclosed is $_____ to help assure the success of Proposition 13.

Make donation checks payable and send to:
PEOPLES ADVOCATE, c/o P.O Box 41562, Sacramento, CA 95841