

# State of California



# Fair Political Practices Commission

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

September 21, 1978

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A78-09-044

Ruth Abraham  
American Civil Liberties Union  
of Southern California  
633 South Shatto Place  
Los Angeles, California 90005

Dear Ms. Abraham:

This letter is to confirm my telephone advice on September 20, 1978, regarding the filing obligations of the Southern California's American Civil Liberties Union ("ACLU") and the Gay Rights Chapter in efforts to defeat Proposition 6 on the November 1978 ballot.

It is my understanding that the ACLU and the Gay Rights Chapter each plan to spend \$2,500 to contribute to the Stop 6 Committee. The ACLU has approved spending the \$2,500 from its general funds. The Gay Rights Chapter has also approved spending \$2,500 of its funds to oppose Proposition 6. It is further my understanding that none of the funds to be spent were earmarked for political purposes upon receipt.

Based on these facts, I advised you that the ACLU and the Gay Rights Chapter will have the same reporting obligations. Each will become a committee under Government Code Section 82013(c) when it contributes \$5,000 or more for political purposes in a calendar year to or at the behest of other committees or candidates.

You also asked about possible reporting obligations in connection with a fundraiser the Orange County Chapter of the ACLU will hold on Saturday, September 23, 1978. As stated on the invitations, the proceeds from the fundraiser will go to the Orange County Chapter of the ACLU and to the Orange County No on 6 Committee. I explained that since the purchasers of the tickets were specifically notified that a portion of their ticket price would go to the Orange County No on 6 Committee, a portion of the purchase price is "earmarked" for political purposes and as such is a contribution. (See 2 Cal. Adm. Code Section 18215(d), a copy of which is enclosed.) To determine what portion of a ticket purchase is a contribution, any reliable method of allocation may be used.

September 21, 1978

One such method is to allocate based upon the pro rata share of the money given to the Orange County No on 6 Committee. For example, if the Orange County ACLU receives \$3,000 from the fundraiser and keeps \$1,500 to cover its operating costs and gives \$1,500 to the Orange County No on 6 Committee, 50% of the amount of the ticket purchases will be contributions.

As I explained on the telephone, because the purchasers have specific knowledge that the contribution will go to the Orange County No on 6 Committee, the purchasers are the contributors to that committee and the Orange County ACLU will be the intermediary<sup>\*</sup> for the contributions it turns over to the Orange County No on 6 Committee.

As an intermediary, the Orange County ACLU is required, under Government Code Section 84302, to advise the Orange County No on 6 Committee of its name, address and function and of the fact that it is acting as an intermediary for the contributions. Additionally, as required by Government Code Section 84302, the ACLU must provide the following information to the Orange County No on 6 Committee for each contribution: name of the contributor, address, date and amount of the contribution, occupation and the name of the employer, or if self-employed, the principal place of business.

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<sup>\*</sup>/ Our conclusion would be different if the invitation had not stated that the money would go specifically to the Orange County No on 6 Committee. If there were just an indication that the money would go to "defeat" or "oppose" Proposition 6, the Orange County ACLU would have qualified as a recipient committee, under Government Code Section 82013(a), when it received \$500 in contributions. However, under the facts you presented, the ACLU is only acting as a conduit for the contributions that have been specifically noticed and earmarked to go to the Orange County No on 6 Committee.

Ruth Abraham  
Page Three

September 21, 1978

The Orange County No on 6 Committee will be required to itemize any person who contributes a pro rata share of \$50 or more or whose cumulative amount of contributions totals \$50 or more.

I hope this answers your questions. If you have any others, please contact me or our Technical Assistance and Analysis Division.

Sincerely,

*Barbara Campbell*

Barbara Campbell  
Counsel  
Legal Division

Enclosure

cc: Meier Westreich  
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