

Memorandum

To : OPINION REQUEST RE: SECTION 84214

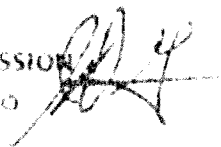
Date: April 13, 1978

April 14, 1978

m-78-078

From : FAIR POLITICAL PRACTICES COMMISSION

John Giansello



Subject:

A statewide miscellaneous committee (Recipient Committee) contributes \$300 to a candidate for city council in a local jurisdiction. The contribution is made January 22. The first pre-election filing for the local election closes January 23 and is due January 26. The miscellaneous committee files an abbreviated statement but does not declare it final. On February 23 the committee files another abbreviated statement for the second pre-election period, which closed February 20. From February 21 to March 7, the date of the local election, each committee which receives a late contribution must report it to each office with which that committee is required to file a campaign statement for the election (see Section 84214).

On March 1 the miscellaneous committee received a contribution of \$1,000 which it intends to use, and which the donor intends to be used, in connection with the upcoming June statewide primary. None of the \$1,000 will be spent in the local election and the miscellaneous committee has no intention to make further contributions to the local campaign. Must the miscellaneous committee file a late contribution report in the local jurisdiction?

Response:

1. Recipient:

Committee that receives \$1,000 must file a late contribution report and report receipt of contribution on post election statement.

84214 does not distinguish among reasons that contributions are received (no filing obligation if committee had declared the second abbreviated statement to be "final").

2. Donor:

a. If donor is not a committee, no filing obligations at all - 84214 applies only to "candidates or committees".

b. If donor is a committee - still no filing obligation (unless the committee has made other contributions in this election because 84214 applies only to committees "required to file a campaign statement for the election," and this committee has no filing obligations in this election.

In summary:

The recipient must file but the donor is not required to do so.