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M-79-165

OFFICEHOLDER WHO MAKES PERSONAL CONTRIBUTION DOES NOT TRIGGER FILING REQUIREMENTS

A judge uses personal funds to make a contribution to a friend who is seeking election to office. The judge is not himself seeking office at this election. Section 84206 states that judges need not file semi-annual statements unless they are raising or spending money as a candidate. The question before the opinion request meeting was whether the personal contribution by the judge caused him to be a candidate within the meaning of 84206 and, therefore, necessitate the filing of a semi-annual statement.

As stated in a previous memo, officers and candidates are not committees by virtue of making personal contributions; rather, all personal contributions made by candidates or officeholders must be reported on a candidate or consolidated committee report. However, a personal contribution does not trigger the filing of such a report. Therefore, since the judge was not raising or spending money as a candidate by virtue of any other activities, the making of the personal contribution does not necessitate that he file a semi-annual statement. He should, however, report the personal contribution on the next candidate or consolidated statement which he files.