

84200 ✓
84200 (p)

February 15, 1980

Charles G. Abdelnour
City Clerk
City Administration Building
202 C Street
San Diego, CA 92101

A-80-02-003

Dear Mr. Abdelnour:

In your letter of January 24, 1980, you ask whether a contributor of \$99.99 to a candidate in the primary election and another \$99.99 to the same candidate in the general election must be identified on the recipient candidate's campaign statements. The answer to the question is no.

Government Code Section 84210(g) requires disclosure of the identity of each person from whom a contribution or contributions totaling \$100 or more has been received and the cumulative amount he contributed. By Section 84211, to determine whether \$100 has been contributed by or expended to any person, only those contributions and expenditures which are includable in the cumulative amount are to be considered.

"Cumulative amount" is defined by Section 82018 as the amount contributed since the closing date of the most recent post-election statement which was required to be filed by the filer. The most recent post-election statement does not refer to any abbreviated statement required to be filed pursuant to Section 84204.1. If the filer has not previously filed a campaign statement, the cumulative amount is the amount contributed or expended since the first reportable transaction.

Because the candidate must file campaign statements in connection with the election at which he is a candidate (Section 84200) and a candidate's controlled committee must file campaign statements and not abbreviated statements in connection with the election at which the candidate is voted upon (see Sections 84200 and 84204.1(a)(2)), statements filed after both the primary and general municipal elections by a candidate and his controlled committees will be post-election statements.

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These post-election statements will terminate cumulation for the purposes of determining which contributors must be identified on campaign statements by the candidate or his controlled committees. (See Sections 84210(g) and 84211.) Therefore, the cumulative amount received by a candidate or his controlled committee from a contributor of \$99.99 prior to the closing date of the primary election post-election statement will be \$99.99. The cumulative amount received by the same candidate or committee from the same donor who contributes another \$99.99 in the period between the closing date of the primary election post-election statement and the closing date of the general election post-election statement will also be \$99.99. In neither case will the contributor's identity need to be disclosed by the recipient.

If, however, the contributor is himself a committee by virtue of Section 82013, then the need to disclose the identity of persons to whom contributions are made will be determined by the cumulation rules applicable to the donor, not the recipient. If the donor is a committee whose primary political activity relates to the recipient's election and other elections held on the same day in the same jurisdiction (Section 84204.1(a)(3)), then the same cumulation rules will apply to both donor and recipient, and the donor, even if a committee with reporting obligations, will not need to disclose the identity of the recipient of the two \$99.99 contributions at issue.

If the donor, on the other hand, is a committee under Section 82013 whose primary political purpose is other than related to the recipient's election and other elections conducted in the same day in the same jurisdiction, and if none of the other requirements of Section 84204.1(a) are met, then the donor will be filing abbreviated statements in connection with the recipient's election under Section 84204.1(b). These abbreviated statements cannot serve as post-election statements for the purpose of determining the cumulative amount (see Section 82018) needed to ascertain the need for identification of the recipient (see Sections 84210(h) and 84211). If, therefore, the cumulation period applicable to the donor runs through the recipient's primary and general election reporting periods, the two \$99.99 contributions would have to be aggregated, and the recipient would have to be identified on the donor's report at the appropriate time.

Charles G. Abdelnour
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I hope this information has been helpful. Although you have alluded to the City of San Diego Campaign Control Ordinance, you have not asked any specific questions with respect to it, and I have in no way considered the ordinance in my answer. If you need additional assistance, you may call me at (916) 322-5662.

Sincerely,

John Giansello
Staff Services Analyst

JG:plh



THE CITY OF
SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

70003

OFFICE OF THE
CITY CLERK
236-6420

January 24, 1980

JAN 23 9 05 AM '80

Technical Assistance Division
Fair Political Practices Division
P.O. Box 807
Sacramento, California 95804

We request that a written response be provided to clarify the matter as to when cumulative contributions meet the \$100 criterion and identification of the contributor is required. We have reviewed the relevant material and the example on page 10 of the Information Manual, January 1980; however, we believe that interpretation of our specific election circumstances is necessary.

Municipal elections in the City of San Diego are currently held in the odd-numbered years. The Municipal Primary Election is held on the third Tuesday in September and the General Municipal Election is held on the first Tuesday after the first Monday in November.

The campaign control ordinance of the City of San Diego limits contributions by an individual to a candidate in an election to \$250. An individual may contribute up to \$250 to the same candidate in the primary election and contribute another \$250 in the general election.

A current office holder is concerned about the identification of a contributor who limited his contribution to \$99.99 in the primary election to avoid being identified on the campaign disclosure report for the primary election. Can that same contributor contribute up to \$99.99 for the candidate's general election campaign, without the contributor's identity be revealed on the campaign disclosure statement?

Your guidance and prompt response in this matter will be appreciated.

Sincerely,

Charles G. Abdelnour
City Clerk

DGK:lbc

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Sincerely,

John Giannello
Staff Services Analyst

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Sincerely,

A handwritten signature in cursive script, appearing to read "Charles G. Abdelnour".

Charles G. Abdelnour
City Clerk

DGK:lbc