

March 14, 1980

Ms. Celia Sweeden
Office of the City Clerk
P.O. Bin 1701
El Centro, California 92244

A-80-03-014

Dear Ms. Sweeden:

In your card of February 1, 1980, you ask whether you may destroy campaign statements filed by candidates for municipal office in years prior to the effective date of the Political Reform Act ("the Act"), January 7, 1975.

The preservation of statements filed since the effective date of the Act is governed by Government Code §81009. That section, however, imposes its requirements with respect to "campaign statements," a term defined in the Act to mean "an itemized report which is prepared on a form prescribed by the [Fair Political Practices] Commission and which provides the information required by Chapter 4 of this title" (see Govt. Code §82006). "This title" is Title 9 of the Government Code, effective January 7, 1975 (see Govt. Code §81016).

Campaign statements filed prior to January 7, 1975, or under the provisions of law in effect prior to that time are not "campaign statements" as defined in Government Code §82006. They could not have been prepared on forms prescribed by the Fair Political Practices Commission, nor do they provide the information required by Chapter 4 of Title 9, a title effective after the date of the filing of the statements in question. The preservation and disposition of such statements is not governed, therefore, by Government Code §81009.

Prior law governing the disclosure of campaign finances is contained in Elections Code §§11500-11631. The legislature has declared that these sections are inoperative unless the campaign reporting provisions of the Political Reform Act are invalidated or otherwise rendered inoperable (see Elections Code §11620). However, the referenced Elections Code sections are to be considered in full force and effect with respect to any activities

covered by them which occurred prior to January 7, 1975, and to campaign statements required to be filed by Section 11621 of the Elections Code (see Stats. 1975, c. 145, §1, effective June 28, 1975, codified as Elections Code §11620).

The retention and disposition of the statements about which you inquire, then, appears to be governed by the provisions of the Elections Code under which such statements were filed. Our response to your question must be limited to the application of the Political Reform Act to the issues you raise. For advice as to the requirements of the Elections Code or other law I would suggest you consult your city's corporation counsel, the county counsel, or the Attorney General.

I hope this response has been helpful. If you have additional questions about requirements of the Political Reform Act, you may call me at 916/322-5662.

Sincerely,

John Giansello
Staff Services Analyst

JG:bw