

State of California



Fair Political Practices Commission

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

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

December 24, 1980

Mr. Anthony Saul Alperin
Deputy City Attorney
Office of the District Attorney
City Hall East
Los Angeles, CA 90012

A-80-12-062

Dear Mr. Alperin:

This is in response to your letter of December 9, 1980 requesting confirmation of my previous telephone conversation with you regarding the filing of campaign statements in connection with Board of Education races and proposed amendments to the Los Angeles City Charter affecting the Board of Education.

Government Code Section 84215, effective January 1, 1981, governs the place where campaign statements will be filed. Specifically, Section 84215(e) provides that:

"(e) City elected officers, candidates for city office, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in one city shall file the original and one copy with the clerk of the city. Such elected officers, candidates and committees need not file with the clerk of the county in which they are domiciled."

As stated in your letter, the Los Angeles City Charter includes "the Members of the Board of Education" of the Los Angeles Unified School District as "officers" of the City of Los Angeles. Therefore, campaign statements filed in connection with Board of Education races and proposed amendments to the Charter for the City of Los Angeles affecting the election, appointment or removal of Members of the Board of Education should be filed pursuant to Section 84215(e) with the Los Angeles City Clerk.

If you have any further questions, please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Montgomery".

Lynn Montgomery,
Staff Services Analyst

84215(E)

OFFICE OF
CITY ATTORNEY
CITY HALL EAST
LOS ANGELES, CALIFORNIA 90012



BURT PINES
CITY ATTORNEY

December 9, 1980

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Mr. Ted Prim, Executive Director
Fair Political Practices Commission
1100 "K" Street
Sacramento, California 95814

Dear Mr. Prim:

This letter is written on behalf of Rex E. Layton, Los Angeles City Clerk, seeking advice pursuant to Government Code Section 83114(b).

The Political Reform Act currently provides that campaign statements filed by persons holding offices "voted upon wholly within one city", candidates for such offices and committees supporting them be filed with the City Clerk of the city in which the election takes place. Government Code Section 81005(d). Where the office is voted upon both inside and outside city boundaries but "in not more than one county", such statements are to be filed with the county clerk (in Los Angeles County with the Registrar-Recorder). Government Code Section 81005(e).

Effective January 1, 1981, the law will change. Pursuant to Chapter 289, Statutes of 1980, Government Code Section 84215 will govern the place where campaign statements will be filed. In particular, Sections 84215(d) and (e) will provide as follows:

"(d) County elected officers, municipal court judges, candidates for such offices, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in any number of jurisdictions within one county, other than those specified in subdivision (e), shall file the original and one copy with the clerk of the county.

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"(e) City elected officers, candidates for city office, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in one city shall file the original and one copy with the clerk of the city. Such elected officers, candidates, and committees need not file with the clerk of the county in which they are domiciled."

Section 5 of the Los Angeles City Charter includes "the Members of the Board of Education" of the Los Angeles Unified School District as "officers" of the City of Los Angeles. Section 6 provides that they shall be elected.

Section 255.1 of the Charter divides the Unified School District into seven election districts. One such district lies wholly within the City of Los Angeles; the other six districts extend into territory outside the boundaries of the City.

Pursuant to Government Code Section 81005, as currently applicable, campaign statements filed in connection with Board of Education elections have been filed with the Los Angeles County Registrar-Recorder. (The election districts were formed in 1978. No election has yet been held for the district which lies wholly within the City.)

Please advise us at your earliest opportunity whether, beginning in 1981, campaign statements filed in connection with Board of Education races (i.e., by incumbents, candidates, their controlled committees, committees formed or existing primarily to support them and "local general purpose" committees supporting or opposing only such candidates and other candidates for City office) should be filed with the Los Angeles City Clerk?


Article IX, Section 16 of the California Constitution requires the City of Los Angeles to submit proposed amendments to its charter, affecting the election, appointment or removal of members of the Board of Education, to the voters of both the City and the Unified School District. If campaign statements are filed by committees formed or existing primarily to support or oppose such ballot measures, will Government Code Section 84215 require those statements to be filed with the Los Angeles City Clerk or the Los Angeles County Registrar-Recorder?

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Having reviewed these issues and discussed them briefly with your staff, we have tentatively concluded that all of the statements described above should be filed with the City Clerk. However, because our conclusion is based in part on advice from your staff, we would appreciate your advice on the subject in writing. Because we are in the process of preparing materials for use in the upcoming City elections, we would appreciate your response as soon as possible.

Very truly yours,

BURT PINES, City Attorney

By 
ANTHONY SAUL ALPERIN
Deputy City Attorney

ASA:ams
(213) 485-4230

cc: Rex E. Layton, City Clerk
Ed Posorski, Deputy County Counsel