

# State of California



## Fair Political Practices Commission

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Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest  
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July 21, 1981

Mr. Frederick K. Lowell  
Pillsbury, Madison & Sutro  
225 Bush Street  
P.O. Box 7880  
San Francisco, CA 94120

A-81-07-039

Dear Fred:

This is in response to your letter of January 29, 1981, and is designed as a follow-up to the advice you have received during our telephone conversations. In your letter, you asked the following questions:

- 1) What is the correct method for determining when and where the hypothetical "Wigex Corporation" is required to file campaign disclosure statements? (Wigex is a major donor committee which made 80% of its contributions in 1981 to support a ballot measure in Humboldt County, and 20% of its contributions to candidates and committees in other counties.)
- 2) If a committee qualifies as both an "expenditure committee" under Government Code Section 82013(b) and a "major donor committee" under Section 82013(c), what is the correct method for determining when and where to file campaign disclosure statements?
- 3) Will filers who rely on and comply with the instructions in the Commission's 1981 Information Manual on Campaign Disclosure Provisions be deemed by the Commission to be in compliance with the Act?

Your first question pertains to the proper reporting procedures for a major donor committee, the Wigex Corporation. The Commission has concluded that, for the purpose of determining when to file campaign disclosure statements, all major donor committees are "general purpose" committees as described in the 1981 Information Manual on Campaign Disclosure Provisions. Therefore, the Wigex Corporation will use the standard filing schedule presented on page four of the manual. This filing schedule is derived from Government Code Section 84200(a) and (b) and Section 84202. This advice would not change even if the Wigex Corporation contributed 100% (rather than 80% as

described in your example) of its funds in connection with the Humboldt County ballot measure.

With regard to where the Wigex Corporation must file campaign disclosure statements, the determining factor is whether or not contributions, of any amount, have been made in more than one county. In your example, the Wigex Corporation has made contributions in more than one county. Therefore, statements are required to be filed in the four standard places specified on page 11 of the manual. (See Government Code Sections 84215 and 84215(a).) On the other hand, if the Wigex Corporation had contributed 100% (rather than 80% as described in your example) of its funds to candidates or measures all being voted upon within Humboldt County, the determination of where to file would be made pursuant to Government Code Sections 84215 and 84215(d). In such a case, the Wigex Corporation would only file statements with the Clerk of Humboldt County and the clerk of the county where domiciled, if different.

Your second question concerns the proper filing procedure for a committee which qualifies as both an expenditure committee under Section 82013(b) and a major donor committee under Section 82013(c). Committees qualifying as both expenditure committees and major donor committees will file pursuant to the requirements for major donor committees. That is, such a committee will file according to the standard six-fixed date schedule and, unless the committee's activity is totally in connection with elections held within a single county, the committee will file in the standard four places. However, it is important to note that if such a committee (or any other committee) makes independent expenditures of \$500 or more in a calendar year to support or oppose a candidate, measure, or the qualification of a measure, Supplemental Independent Expenditure Reports (Forms 465) must be filed in the jurisdiction where the candidate or measure is being voted upon, and on the dates specified in Government Code Section 84208.

Your third question is a request for confirmation that persons who rely on and comply with the 1981 Information Manual will be deemed to be in compliance with the Political Reform Act. This is correct, although two qualifications should be noted. First, the Commission is not in a position to provide such confirmation on behalf of other enforcement agencies or filing officers. However, it is obvious that a good faith effort to comply with the Commission's Information Manual is an important consideration that all filing officers and enforcement officials would consider. Second, it must be remembered that the Commission's Information Manual is intended to assist compliance with the Political Reform Act, but the more "layman-like" language used in the manual is not intended to supplant the actual provisions of the Act. Consequently, if factual situations arise which are not addressed in the manual, or in cases where the language of the manual may appear to be ambiguous in light of the

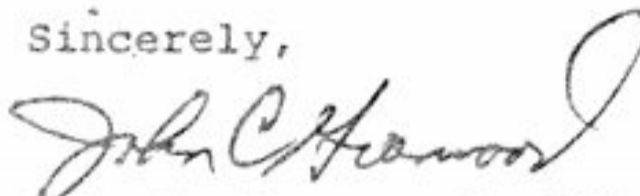
Frederick K. Lowell

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language of the Act, specific inquiries should be directed to the Commission.

If you have further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "John C. Greenwood". The signature is written in dark ink and is positioned above the typed name.

John C. Greenwood, Chief  
Technical Assistance and  
Analysis Division