

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

March 22, 1984

Arthur Forcier
11783 Laurelcrest Drive
Studio City, CA 91604

Re: Your Request for Advice
Our No. A-84-043

Dear Mr. Forcier:

I received the additional materials you sent with reference to your advice request. You are a consultant to Carson League of Voters, a nonpartisan citizens group in the City of Carson which wishes to prepare and mail home ballot applications to voters in Carson and to otherwise encourage voter participation in the electoral process. You provided me with drafts of these materials. You asked whether, by virtue of these activities, this group would have any reporting requirements under the Political Reform Act.^{1/} You also asked whether the group would have to identify itself as the sender on its mailings under Section 84305.

The campaign disclosure provisions of the Act require that all candidates and committees shall file campaign statements at specified times and places. Sections 84200, et seq. A committee is "any person or combination of persons who directly:

- (a) Receives contributions totaling five hundred dollars (\$500) or more in a calendar year;
- (b) Makes independent expenditures totaling five hundred dollars (\$500) or more in a calendar year; or
- (c) Makes contributions totaling five thousand dollars (\$5,000) or more in a calendar year to or at the behest of candidates or committees.

(Section 82013.)

^{1/} Government Code Sections 81000-91014; all statutory references are to the Government Code.

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The Act defines contributions and expenditures to include all payments unless it is clear from the surrounding circumstances that they are not made for political purposes. Sections 82015 and 82025.

The Commission has elaborated on the meaning of "political purpose" in its regulations. See 2 Cal. Adm. Code Sections 18215 and 18225 (copies enclosed). These sections provide that political purposes means "made for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates or the qualification or passage of any measure."

All payments received by an organization which is formed primarily for political purposes for which full and adequate consideration is not exchanged are contributions. Section 82015; 2 Cal. Adm. Code Section 18215(b)(4). Likewise all payments made by an organization formed primarily for political purposes are expenditures within the meaning of the Act. Section 82025; 2 Cal. Adm. Code Section 18225(b)(4).

From your description of the Carson League of Voters and a review of the materials it appears that it is not formed primarily for or against a candidate or candidates or the passage of any measure. Its primary goal is to increase voter turnout in Carson's municipal elections. Therefore, monies received, or spent, by the group do not automatically constitute contributions or expenditures under 2 Cal. Adm. Code Sections 18215 and 18225. Unless the group undertakes some other additional activities or expenditures which make it a committee, it need not file campaign reports or a Statement of Organization as a recipient committee with the Secretary of State pursuant to Section 84101.^{2/} See Opinion requested by Francis Wilmarth, 2 FPPC Opinions 130 (No. 75-188, August 3, 1976) (copy enclosed). If this occurs, please feel free to contact this office for additional advice.

In addition, since the group is not a "committee" based upon its present activities, it is not required to identify itself on mass mailings. See Commission regulation, 2 Cal. Adm. Code Section 18435 (copy enclosed).

^{2/} Only recipient committees, or committees as defined in Section 82013(a), are required to file Statements of Organization.

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I hope the foregoing discussion answers all of your questions. If I can be of further assistance, please feel free to contact me.

Sincerely,

Diane Maura Fishburn
Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh
Enclosures

2/25/1984

TO: FPPC FROM: A. Forc Fer P P C
11783 Laurelcrest Drive,
Studio City, CA 91604
2 32 PM '84

Are the costs of the production & distribution of materials such as the enclosed "A", "B", "C", "D" & "E" reportable?

Does the expenditure of over \$10,000 for such materials force one to become a committee or report anything to anyone? Can one raise money from various individuals or organizations & use it to produce & distribute such materials? Does that change the reporting or committee creation aspects? Does it make a difference if the material goes to people of more than one political party? Does it make a difference if it doesn't name any candidate or ballot measure? Do such materials have to be identified as to sponsors, or purchasers, or producers etc?

Do the enclosed materials influence or attempt to influence the action of the voters for or against the nomination or election of a candidate or the passage or defeat of any measure or qualification of a petition?

If over 200 of the enclosed materials are mailed (200 each or 200 or any particular one), does the sender have to be identified?

The 1982 FPPC manual is very vague. Three times during 1983 I asked for a new manual. I never received one. Please send me the latest manual & the answers to the questions in this note. I need the answers in relation to the enclosed materials. In one sense everything everyone does or doesn't do helps and hurts all candidates & causes. Where does the FPPC draw the line & what is the line?

TUESDAY JUNE 2, 1981
DINNER AT A DISCOUNT
CUT ALONG LINE

On Tuesday June 2nd, the City of Carson is holding a Special Election to fill a vacancy on the City Council. We urge you to participate in that election.

The last time our city held a special election, the leading candidate was the choice of 1463 voters, less than two percent of the total population. It is up to all of us to do better this time.

You can help to keep our community strong by voting on Tuesday June 2nd and by putting this sign in your window as a voting reminder to your neighbors.

After you vote, you are invited to enjoy dinner at a discount at any of the restaurants listed below. Just take your ballot stub and the coupon on this card to any of these fine restaurants and you can enjoy a good meal at a bargain price.

By voting on Tuesday June 2nd, you will be deciding the future of our city. Don't leave that future in the hands of others.

**OFFER GOOD AT ANY OF THESE RESTAURANTS
TUESDAY JUNE 2, 1981 UNTIL CLOSING TIME**

- | | |
|--|---|
| JANOS PIZZA
139 E. Lomita Blvd.
\$2.00 Off the Cost of Any Pizza
3.00 | FLO'S BROASTED CHICKEN
2563 E. Carson Street
Free Box of Chicken when you buy 1
3.00 OFF A TUB OR BARREL |
| ANNIE Z's
Corner Carson & Figueroa
50% Off on Any Food Order
3.00 OFF ON ANY DINNER ORDER | KENTUCKY FRIED CHICKEN
543 E. Sepulveda Blvd.
\$3.00 Off on Bucket or Barrel of Chicken |
| LAS PALMAS CAFFE
23909 So. Avalon Blvd.
\$3.00 Off on Any Dinner Order | LUPITAS MEXICAN RESTAURANT
21917 So. Main Street
\$3.00 Off on Any Dinner Order |
| TOD & T.J.'s COFFEE SHOP Boby's Coffee Shop
659 East 223rd St.
Fried Chicken, Liver & Onions, Fish &
Spaghetti or Chicken and Steak FREE
3.00 OFF ON ANY DINNER ORDER | |

To qualify for discount you must bring your ballot stub from the June 2, 1981 Carson City Election and the coupon from this sign at the time of purchase. One discount per stub. Offer good until closing time on June 2, 1981 only.

n
A



I'M GOING TO

AVOIRFE

ON TUESDAY

JUNE 2nd

APRIL 10th

①

VOTE

TUESDAY

APRIL

13TH

Home Ballot Application - Mail By May 31, 1983

PHONE [REDACTED] • 485-3581 FOR ELECTION INFORMATION

-----CUT HERE----- Save the top part for voting, mail lower part for ballot ----- CUT HERE

PLACE
STAMP
HERE
(if mailing for ballot)

I, _____
(Print full name — women, use own first name)

am a voter in the Los Angeles Community College District. I
am registered at my present home address, which is:

(PRINT) (number and street)

(PRINT) (city) (zip) (phone)

Please mail an absent voter's ballot to the above address.

TO:

**Los Angeles City Clerk
Election Division
Terminal Annex
P.O. Box 54377
Los Angeles, CA 90054**

[REDACTED]

Signature (do not print) (date)

②

Home Ballot Application • Mail by May 31, 1983

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(PRINT) (number and street)

(PRINT) (city) (zip) (phone)

Please mail an absent voter's ballot to the above address.

Signature (do not print) (date)

TO:
Los Angeles City Clerk
Election Division
Terminal Annex
P.O. Box 54377
Los Angeles, CA 90054



You can vote earlier by filling out the "Home Ballot
Application" printed on the other side.

PLACE
13¢ STAMP
HERE

**Vote for
Effective
Education**

To: _____



Home Ballot Application • Mail by May 31, 1983

CUT HERE ----- CUT HERE -----

I, _____
(PRINT FULL NAME — WOMEN, USE OWN FIRST NAME)

am a voter in the Los Angeles Community College District. I am registered at my present home address which is:

(PRINT) (NUMBER AND STREET)

(PRINT) (CITY) (ZIP) (PHONE)

Please mail an absent voter's ballot to the above address.

SIGNATURE (DO NOT PRINT) (DATE)

CUT HERE ----- CUT HERE -----

Fill in one form per voter. Mail in stamped envelope addressed to: Los Angeles City Clerk Election Division, Terminal Annex, P.O. Box 54377, Los Angeles, CA 90054.

CUT HERE ----- CUT HERE -----

I, _____
(PRINT FULL NAME — WOMEN, USE OWN FIRST NAME)

am a voter in the Los Angeles Community College District. I am registered at my present home address which is:

(PRINT) (NUMBER AND STREET)

(PRINT) (CITY) (ZIP) (PHONE)

Please mail an absent voter's ballot to the above address.

SIGNATURE (DO NOT PRINT) (DATE)

CUT HERE ----- CUT HERE -----

Home Ballot Applications • Mail by May 31, 1983

SPECIAL ELECTION NOTICE

- * Polling Place
- * Home Ballot Application

OFFICIAL
ELECTION
INFORMATION

Los Angeles Community College District Election



or

You Can Vote at Home
By Filling Out the Enclosed
"Home Ballot Application"
by May 31, 1983

For Emergency Polling Place Changes
Phone 485-3581
SAVE THIS DOCUMENT • ONE PER HOME

Your Polling Place
as of 5/20/83
is

You Can Vote at Home
by Returning the Enclosed
Home Ballot Application by 5/31/83

TIME
VALIDE

CAR Rt Sort

U.S. POSTAGE
PAID
Permit No. _____

(E)