



California Fair Political Practices Commission

May 5, 1986

Christopher Ohman
Treasurer, Committee to Retain Justice Grodin
16 California Street #505
San Francisco, CA 94111

Re: Your Request for Advice
Our File No. A-86-132

Dear Mr. Ohman:

This is in response to your letter, dated April 23, 1986, requesting written confirmation of telephone advice provided to you by Mary Ann Kvasager of the Technical Assistance and Analysis Division.

The facts as presented in your letter are correct. Because Justice Grodin is involved in the November, 1986 election, he is not required to file the March and May pre-election statements. He will be required to file the semi-annual statement if the committee has received contributions or made expenditures during the period January 1 through June 30, 1986. The semi-annual statement is due July 31, 1986.

Government Code Section 84200.5 sets forth when pre-election statements must be filed during an even numbered year:

"In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees must file pre-election statements as follows: (a) During an even-numbered year, all elected state officers, their controlled committees, and committees primarily formed to support or oppose an elected state officer shall file the pre-election statements specified in Section 84200.7." (Emphasis added)

An elected state officer, their controlled committees, and committees primarily formed to support or oppose them are required to file all of the pre-election statements set forth in Section 84200.7.

Government Code Section 82024 defines the term elective state office to mean "the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and member of the State Board of Equalization."

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Judges, candidates for judicial office, their controlled committees and committees formed primarily to support or oppose a judge do not fall within the definition of an elected state officer.

Therefore, to determine when a judicial candidate must file a pre-election statement, refer to Government Code Sections 84200.5(b) and 84200.7(b).

Section 84200.5(b) states:

"During an even-numbered year, all candidates being voted upon on the first Tuesday after the first Monday in June or November, their controlled committees, and committees primarily formed to support or oppose a candidate...shall file the pre-election statements specified in subdivision (a) or (b) of Section 84200.7..." (Emphasis added)

Section 84200.7(b) sets forth the dates for filing campaign statements in connection with the November election as follows:

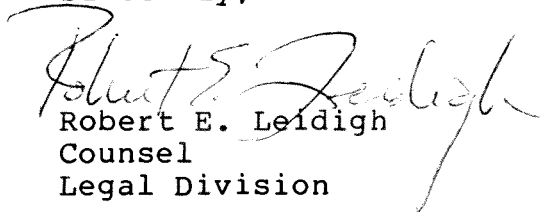
	<u>Period Covered</u>	<u>Filing Deadline</u>
September Pre-Election	July 1 - September 30	October 5
October Pre-Election	October 1 - October 18	October 23
Semi-Annual	October 19 - December 31	January 31, 1987

The period covered by the committee's statement begins on the day after the closing date of the last statement filed by the committee.

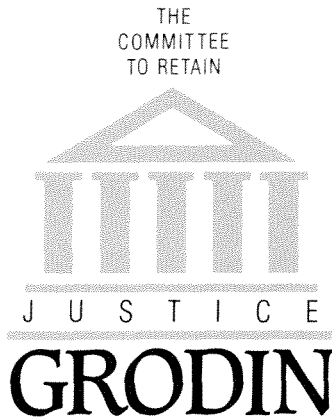
The October pre-election statement MUST be sent by guaranteed overnight mail through the United States Postal Service or delivered in person.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,


Robert E. Leidigh
Counsel
Legal Division

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April 23, 1986

Legal Division
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Sir or Madam:

This is a formal request for a written response from you to a question about the need for the Committee to Retain Justice Grodin (I.D. No. 842095) to file the May 22, 1986 pre-election campaign finance statement.

In a discussion today with Mary Ann Kvasager, a consultant with the FPPC, I learned that a Supreme Court Justice does not fall within the definition of "elected state office holder (Section 84200.5(b))" and as such does not need to file the May 22, 1986 pre-election campaign finance statement. Will you please confirm this in writing?

Your soonest attention to this question would be appreciated, because we would like to be prepared to answer any inquiries about our filing plans well before the May 22, filing deadline.

Thank you for your assistance.

Sincerely,

Christopher Ohman (ej)

Christopher Ohman
Treasurer

CO:eja