



California Fair Political Practices Commission

November 6, 1987

Warren Slocum
County Clerk-Recorder
County of San Mateo
Hall of Justice and Records
Redwood City, CA 94063-0964

Re: Your Request for Advice
Our File No. A-87-262

Dear Mr. Slocum:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.^{1/} The questions you have asked concern implementation of the County of San Mateo's campaign ordinance.

QUESTIONS

- (1) What is the proper method for a candidate to start a new campaign?
- (2) Can a candidate use the same committee name as used in the previous election?
- (3) How does the creation of an "amended committee" for an election affect any prior campaign deficit from a previous election?

CONCLUSIONS

- (1) A candidate is not required to create a new committee for a new campaign. If a candidate wishes to create a new committee, a Statement of Organization (Form 410) must be filed pursuant to Sections 84100, et seq.
- (2) As noted above in (1), a candidate may use one committee for all campaigns in which the candidate is involved. If any information on the Statement of Organization changes (such as a change in the office for which the candidate is raising and spending money), the Statement of Organization must be amended pursuant to Sections 84100, et seq.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

(3) The creation of a new or "amended" committee does not affect a candidate's prior campaign deficit, or any other campaign-related activity of the candidate.

ANALYSIS

First, I would like to clarify that the Fair Political Practices Commission has no authority to interpret or enforce the campaign disclosure ordinance of a county or city. The Commission is responsible for interpreting and enforcing only the Political Reform Act of 1974.

Section 81013 of the Act states that local government agencies may impose additional requirements on persons so long as the additional requirements do not prevent the persons from complying with the Act's provisions.

The questions you have asked appear to be in connection with implementing the County of San Mateo's campaign ordinance. This letter provides answers to your questions as they apply to the campaign provisions of the Political Reform Act. We hope these answers will also provide guidance in implementing the County of San Mateo's ordinance in order that implementation of the ordinance will not impede compliance with the Act's provisions.

The Act requires that all officeholders, candidates and committees file periodic campaign disclosure statements reporting all receipts and expenditures in connection with political activity. In addition, the Act in Section 84100 requires that all "recipient committees" pursuant to Section 82013(a) file a Statement of Organization (Form 410) within 10 days of qualifying as a committee. However, officeholders and candidates are not required to file a statement of organization pursuant to Section 84100 because officeholders and candidate are subject to all of the Act's campaign provisions, regardless of whether they have created a committee. The Act, however, does not prevent an officeholder or a candidate from creating a recipient committee.

To create a recipient committee, a candidate must file a Statement of Organization (Form 410) with the Secretary of State. In addition, a copy of the statement of organization must be filed with the city or county filing officer with whom the candidate files the original of his or her campaign disclosure statement. Sections 84100 through 84103 set out the requirements for creating a recipient committee and for amendments to the committee's registration statement.

Under the Act, there is no reason for a candidate to create more than one committee. However, we recognize that when a candidate is running for election in a local jurisdiction which

imposes contribution limitations, it is necessary for a candidate to have a separate committee into which all contributions are deposited and all expenditures in connection with the local election are made.

A candidate may create such a committee by filing a statement of organization as set out above. However, it is important to note that whenever a candidate is required to file a campaign statement, the candidate must file a campaign statement for each committee which he or she controls. Such statements must be filed at the same times and with the same filing officers. (Sections 84200 and 84200.5.)

The Act does not address the selection of a committee name. Therefore, a candidate may continue to use any committee name he or she wishes. However, as mentioned above, if the candidate runs for an office other than the one indicated on the original statement of organization, the statement of organization must be amended to reflect the change. (Section 84103.)

With regard to your question (3), the creation of an "amended" committee does not affect any prior campaign deficit from a previous election. Section 84214 and Regulation 18404 provide for the termination of candidates and recipient committees. Regulation 18404 provides that a candidate may terminate his or her status as a candidate and a treasurer of a committee may terminate the committee's status as a committee only if the candidate or committee:

(1) Has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future;

(2) Has eliminated or has declared that it has no intention or ability to discharge all of its debts, loans received and other obligations;

(3) Has no surplus funds; and

(4) Has filed all required campaign statements disclosing all reportable transactions.

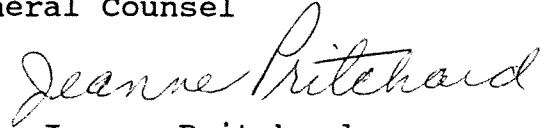
Therefore, although a candidate may create a new committee if he or she wishes, any other committees controlled by the candidate remain in existence and must file campaign statements until all the conditions set out in Regulation 18404 are met and a Statement of Termination (Form 415) has been filed for the committee.

Warren Slocum
November 6, 1987
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I hope this letter adequately responds to your questions. If you have any additional questions or would like to discuss this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script that reads "Jeanne Pritchard".

By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

DMG:JP:kmt

OFFICE OF THE COUNTY CLERK-RECORDER
and Administrative Clerk of the Superior Court



WARREN SLOCUM
COUNTY CLERK-RECORDER

OCT 15 3 01 PM '87
COUNTY OF SAN MATEO

HALL OF JUSTICE AND RECORDS · REDWOOD CITY · CALIFORNIA 94063-0964

CLERK DIVISION
BARBARA SCHWOERER
ASSISTANT CLERK

(415) 363-4711

October 13, 1987

Ms. Betty M. Brown
Fair Political Practices Commission
Technical Assistance and Analysis Division
428 J Street, Suite 800
Sacramento, CA 95804

Dear Ms. Brown:

As you know, San Mateo County has a local ordinance which limits campaign contributions for county offices to \$500.00. We have certain questions related to that law. They are:

1. As it relates to the above and the FPPC reporting requirements, does a candidate officially start a new campaign by sending your office a letter which states that fact?
2. Can a candidate use the same committee name as used in a previous election but notify your office as in number one above?
3. How does the creation of an "amended committee" for an election affect any prior campaign deficit from a previous election?

Thank you in advance for your efforts in this matter.

Regards,

Warren Slocum
County Clerk-Recorder

WS:rv



California Fair Political Practices Commission

October 20, 1987

Warren Slocum
County Clerk/Recorder
County of San Mateo
Hall of Justice and Records
Redwood City, CA 94063-0964

Re: 87-262

Dear Mr. Slocum:

Your letter requesting advice under the Political Reform Act was received on October 19, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard by *plh*

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh