



California Fair Political Practices Commission

March 8, 1988

Donald E. Penman
City Administrator
City of San Fernando
117 Macnell Street
San Fernando, CA 91340

Re: Your Request for Advice
Our File No. I-88-029

Dear Mr. Penman:

You have requested information on the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} Because you are inquiring about the disclosure obligations of other persons who have not authorized you to do so, your request for information is considered to be informal assistance.^{2/}

QUESTION

Does a group of citizens have campaign disclosure filing obligations if they spend funds to qualify an initiative for the ballot and for legal expenses to force placement of the issue on the ballot?

CONCLUSION

A group of citizens may qualify as a recipient committee and be required to file campaign statements if the group raises or spends \$500 or more in 1987 or \$1,000 or more in 1988 for the purpose of qualifying an initiative for the ballot. This would include legal expenses associated with a challenge to the initiative's qualification.

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

^{2/}Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3); copy enclosed.)

FACTS

A group of persons filed an initiative petition which was rejected by the city council. The group filed a lawsuit which challenges the council's decision. The group may have raised \$500 or more to pay costs associated with the initiative petition and legal expenses.

ANALYSIS

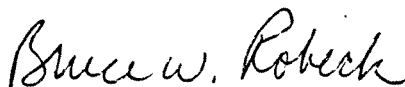
Any person or combination of persons who directly or indirectly receives contributions in a calendar year totaling \$500 or more through December 31, 1987 or \$1,000 or more in 1988 or later may have qualified as a recipient committee. (Section 82013.)^{3/} Contributions include payments made for the purpose of influencing the voters for or against the qualification of an initiative measure. (Regulation 18215, copy enclosed; Section 82043.)^{4/} Legal expenses for the purpose of obtaining or retaining a place on a ballot are reportable as campaign expenditures. (In re Buchanan (1979) 5 FPPC Ops. 14, copy enclosed.)

When a group of persons has qualified as a recipient committee, it must file a statement of organization within 10 days of qualifying. (Section 84101.) Recipient committees must file semiannual campaign statements (Section 84200) and also may be required to file preelection statements. (Section 84200.5.)

If you have any questions regarding this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel


By: Bruce W. Robeck
Political Reform Consultant

DMG:BRW:kmt

^{3/}Section 82013(a) was amended effective January 1, 1988, to raise the qualifying amount from \$500 to \$1,000.

^{4/}Contributions include payments for the purpose of qualifying a "measure." (Regulation 18215(a)(1).) "Measure" includes propositions intended to be submitted to a popular vote at an election by initiative whether or not the proposition qualifies for the ballot. (Section 82043.) An initiative thus becomes a "measure" when the proponents begin to circulate signature petitions to qualify the proposition for the ballot. (In re Fontana (1975) 2 FPPC Ops. 25, 27.)

CITY OF



SAN FERNANDO

117 Macneil Street
San Fernando, CA 91340-2993
(818) 898-1200

JAN 11 4 37 PM '88

January 6, 1987

Ms. Diane Griffiths
Legal Counsel
Fair Political Practices Comm.
428 J Street
Sacramento, CA 95814

Dear Ms. Griffiths:

I would like to be advised as to whether or not an initiative petition committee has any campaign reporting requirements. Three local citizens filed an initiative petition in the City Clerk's Office. At a later Council meeting, the City Council rejected the petition as invalid. The citizens then filed a lawsuit to force the Council to place their issue on the ballot. Most likely these citizens have expended over \$500 in costs of placing legal notices in the newspaper and to the attorney who argued their case in court.

These three citizens have not filed a Statement of Organization, therefore they are not part of an official committee. However, are any of their activities reportable under the Political Reform Act?

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

Sincerely,

A handwritten signature in cursive script that reads "Donald Penman".

DONALD E. PENMAN
City Administrator

DEP:wm



California Fair Political Practices Commission

January 15, 1988

Donald E. Penman
City Administrator
117 Macnell Street
San Fernando, CA 91340-2993

Re: 88-029

Dear Mr. Penman:

Your letter requesting advice under the Political Reform Act was received on January 11, 1988 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,

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

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh