



# California Fair Political Practices Commission

April 29, 1988

Cliff Wanamaker  
Jurupa Cityhood Committee  
3510 Novak Street  
Riverside, CA 92509

RE: Your Request for Advice  
Our File No. A-88-146

Dear Mr. Wanamaker:

You have requested advice regarding the campaign provisions of the Political Reform Act of 1974 (the "Act").<sup>1/</sup>

## QUESTIONS

1. Must the Jurupa Cityhood Committee register with the Secretary of State as a recipient committee?
2. What requirements does the committee have for reporting its receipts and expenditures in connection with attempting to place an incorporation proposal on the ballot?

## CONCLUSIONS

1. The Jurupa Cityhood Committee must register with the Secretary of State as a recipient committee when it has received contributions of \$1,000 or more which will be used to support the passage of the measure.
2. The committee need not report its receipts or expenditures until the question of incorporation has been approved for the ballot by the Board of Supervisors. It is at this time that the proposal will become a "measure." However, receipts and expenditures received and spent for the purpose of urging the voters to vote for the measure must be reported on the committee's first campaign report.

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<sup>1/</sup>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.

FACTS

The Jurupa Cityhood Committee has been formed in order to place the question of incorporation of Jurupa on the ballot. The committee has hired a consultant to prepare a feasibility study, is planning a petition drive, and has begun raising funds. The proposal has not been considered by the Riverside Board of Supervisors.

The committee anticipates that the proposal will be on the November 1989 ballot.

ANALYSIS

The Act requires any person or combination of persons which receives \$1,000 or more to support or oppose candidates or measures to file a statement of organization with the Secretary of State and to report their receipts and expenditures. (Sections 82013(a), 84101, 82047.5.) However, the incorporation proposal does not become a "measure" until the board of supervisors takes the action necessary to submit the proposition to the voters. (In re Fontana (1976) 2 FPCC Ops. 162.)

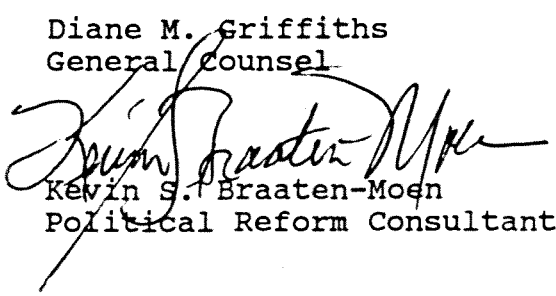
Although the committee does not have reporting obligations until after the proposal is ordered placed on the ballot, this does not mean that its first campaign statement will include only contributions received and expenditures made after that action is taken by the board of supervisors. The committee's initial campaign statement must include contributions received and expenditures made in anticipation of the measure being placed on the ballot, even if such contributions and expenditures were made before the board of supervisors actually placed the proposal on the ballot. (In re Fontana, supra.) For example, if the committee makes expenditures to urge the voters to vote for the proposal once it is placed on the ballot, the expenditures and the money received to make the expenditures must be reported on the committee's first campaign statement.

If you have additional questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

By:

  
Kevin S. Braaten-Moen  
Political Reform Consultant

**JURUPA CITYHOOD COMMITTEE**  
*Studying the Incorporation of the Jurupa Area*

3510 Novak Street  
Riverside, CA 92509  
Phone (714) 681-3825

F P P C  
APR 15 9 31 AM '88

The General Counsel  
Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95814

Dear General Counsel:

Over the last four years there has been a growing interest in and support for incorporation of the Jurupa area of Northwest Riverside County. In December 1985 D.G. King and Associates, Planners, released a feasibility study and a petition drive was launched. The proponents failed to complete the application for a cityhood ballot measure because of duplications and other irregularities in the gathering of signatures. They fell 189 signatures short.

A new committee, broadly based and representative of all elements in the total community, has been formed and a feasibility study consultant has been hired. Christensen & Wallace has been retained, a new petition drive is being planned, money is being raised, and November 1989 is targeted for the cityhood election. The committee, by the way, is named the Jurupa Cityhood Committee.

There are still a lot of questions about how to handle contributions. Should the committee register with the Secretary of State? What are the laws regarding disclosure of campaign donor receipts and expenditures? I called the FPPC in late December 1987 or January 1988 and an attorney returned my call and answered my basic questions (714-681-3825).

I was told that a political decision (Fontana of 1976) exempted incorporation study committees from the reporting provisions of the Political Reform Act of 1984, that donor names and amounts and expenditures need not be disclosed.

Our committee has voted to release to the press at some future time the donor names and amounts given, with no limit to size of contributions. We want to be as open as possible and follow the spirit of the law even though we may not be required to adhere to the letter.

**S T E E R I N G   C O M M I T T E E**

- |            |                 |                    |                 |
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|            |                 | Marcia Lafar       |                 |

Please respond in writing. If my questions are incomplete or not clear, please call or write. My phone number is (714) 681-3825.

Yours sincerely,

*Cliff*  
Cliff Wanamaker, Vice Chair

CW/rw



# California Fair Political Practices Commission

April 19, 1988

James P. Botz  
County Counsel  
County of Sonoma  
County Administration Center  
575 Administration Drive, Room 116A  
Santa Rosa, CA 94503-2881

Re: 88-146

Dear Mr. Botz:

Your letter requesting advice under the Political Reform Act was received on April 15, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz, an attorney in the Legal Division, directly at (916) 322-5901.

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 information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. 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 "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh  
cc: Janet Nicholas



# California Fair Political Practices Commission

April 18, 1988

Cliff Wanamaker, Vice Chair  
Jurupa Cityhood Committee  
3510 Novak Street  
Riverside, CA 92509

Re: 88-146

Dear Mr. Wanamaker:

Your letter requesting advice under the Political Reform Act was received on April 15, 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. Code of Regs. 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*  
Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh