



# California Fair Political Practices Commission

June 17, 1988

Kirk Alan Pessner  
Nielsen, Merksamer, Hodgson,  
Parrinello & Mueller  
650 California Street, Ste. 2650  
San Francisco, CA 94108

Re: Your Request for Advice  
Our File No. I-88-199

Dear Mr. Pessner:

You have requested confirmation of telephone advice concerning the campaign disclosure provisions of the Political Reform Act.<sup>1/</sup>

#### QUESTION

Must a major donor committee file a late contribution report disclosing a \$1,000 contribution made during the late contribution period but prior to qualifying as a major donor committee?

#### CONCLUSION

A major donor committee is not required to file a late contribution report disclosing contributions made prior to qualifying as a committee.

#### FACTS

You have presented a situation in which a person qualified as a major donor committee during the late contribution reporting

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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.

Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulations 18329(c)(3).)

Kirk Alan Pessner  
Page Two

period. Earlier during the late contribution period but prior to qualifying as a major donor committee, the person made a \$1,000 contribution to support a candidate or measure being voted upon in the upcoming election.

#### ANALYSIS

The Act provides that officeholders, candidates and committees must file the disclosure reports required by Section 84200 et seq. A major donor "committee" is defined in Section 82013(c) as a person or a combination of persons which makes contributions totaling \$10,000 or more in a calendar year.

In addition to the regular semi-annual and pre-election reports required by Sections 84200-84200.8, a major donor committee which makes a "late contribution" must report the contribution within 24 hours by telegram, mailgram, guaranteed overnight mail or personal delivery. (Section 84203.)

"Late contribution" means any contribution including a loan which totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election.

#### Section 82036.

Section 84203 requires candidates and committees to file late contribution reports. A person who is not a committee at the time of making a late contribution is not required to disclose the contribution in a late contribution report. Only the candidate or committee receiving the late contribution must report it pursuant to Section 84203.

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Diane M. Griffiths  
General Counsel

*Carla Wardlow*

By Carla Wardlow  
Political Reform Consultant

LAW OFFICES OF  
**NIELSEN, MERKSAMER,  
HODGSON, PARRINELLO & MUELLER**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

650 CALIFORNIA STREET, SUITE 2650

SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 989-6800

SACRAMENTO

770 L STREET, SUITE 800

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 446-6752

FILE NUMBER

May 26, 1988

Ms. Carla Wardlow  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, California 95804-0807

Re: Late Contribution Disclosure - Request  
For Informal Assistance

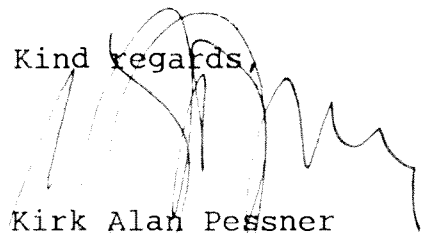
Dear Carla:

In a recent telephone conversation, I described to you a situation in which a person reaches Major Donor status, as defined in Government Code section 82013(c), during the late contribution period, as defined in Government Code section 82036. On a date prior to the date that Major Donor status was reached, but during the late contribution period, this person made a contribution of \$1,000 or more to a candidate or measure being voted on at the next election.

You advised me that the Major Donor would not be required to review contributions made prior to reaching Major Donor status and would not be required to file late contribution notifications pursuant to Government Code section 84203 for contributions made prior to becoming a Major Donor. You further advised that a Major Donor need only review contributions made from the date of becoming a Major Donor through the end of the late period to determine whether late contributions are required to be filed.

If you agree that this letter correctly characterizes our telephone conversation, please sign and date the letter below and return it to me. If you have any questions, please do not hesitate to contact me.

Kind regards,

  
Kirk Alan Pessner  
Paralegal/Administrator  
Political Reports Unit

KAP/tcm/73

By:

\_\_\_\_\_  
Carla Wardlow

Date: \_\_\_\_\_



# California Fair Political Practices Commission

May 31, 1988

Kirk Alan Pessner  
Nielsen, Merksamer, Hodgson,  
Parrinello & Mueller  
650 California Street, Suite 2650  
San Francisco, CA 94108

Re: 88-199

Dear Mr. Pessner:

Your letter requesting advice under the Political Reform Act was received on May 27, 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 by job*

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh

LAW OFFICES OF  
**NIELSEN, MERKSAMER,  
HODGSON, PARRINELLO & MUELLER**

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MAY 27 3 49 PM '88  
FILE NUMBER

May 26, 1988

Ms. Carla Wardlow  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, California 95804-0807

Re: Late Contribution Disclosure - Request  
For Informal Assistance

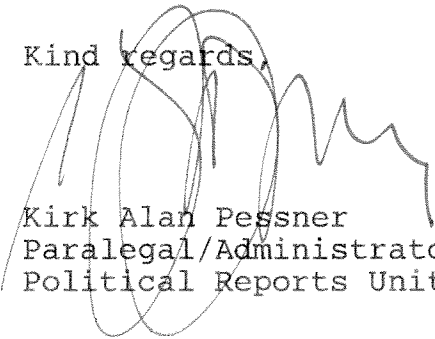
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Kind regards,

  
Kirk Alan Pessner  
Paralegal/Administrator  
Political Reports Unit

KAP/tcm/73

By: \_\_\_\_\_  
Carla Wardlow

Date: \_\_\_\_\_