



# California Fair Political Practices Commission

June 16, 1988

Donna R. Betancourt  
Acting City Clerk  
City of Santa Monica  
1685 Main Street  
Santa Monica, CA 90401-3295

RE: Your request for advice  
Our File No. A-88-208

Dear Ms. Betancourt:

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

#### QUESTION

May a late contribution report be sent by electronic mail?

#### CONCLUSION

Yes, assuming the filing officer who receives the electronically sent late contribution report is willing to make a hardcopy of the report and place it in the file of the candidate or committee which sent it.

#### FACTS

As Acting City Clerk for the City of Santa Monica, you received a late contribution report via electronic mail. The report was received within 24 hours after the contribution was received by the filer and contained all the required information.

#### ANALYSIS

Section 84203(a) requires each candidate or committee that makes or receives a late contribution, as defined in Section 82036, to report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215.

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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.

Section 84203(b) states that a late contribution must be reported by mailgram, telegram, guaranteed overnight mail through the United States Postal Service, or personal delivery. It must be reported within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient.

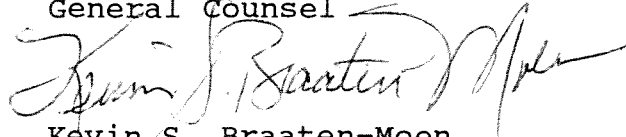
Although the law specifies the manner in which a late contribution report must be sent, the intent of Section 84203(b) is met by electronic mail. The fact that electronic mail is not widely used or recognized does not negate the fact that all the information required by Section 84203(a) is provided in a timely manner by electronic mail.

However, since this information must be made available to the general public, a hardcopy must be made immediately and placed in the filer's file. Therefore, the filing officer who receives the report must be willing to make a hardcopy.

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

Sincerely,

Diane M. Griffiths  
General Counsel



by:

Kevin S. Braaten-Moen  
Political Reform Consultant

SANTA



MONICA

City Clerk

1685 Main Street  
Santa Monica, CA 90401-3295  
(213) 458-8211

May 27, 1988

California Fair Political  
Practices Commission  
Technical Assistance & Analysis Division  
P.O. Box 807  
Sacramento, CA 95804-0807

Gentlemen:

I would appreciate receiving a ruling regarding the legality of filing a late contribution report by electronic mail. The FPPC direction reads, "Late contribution reports must be filed by telegram, mailgram, guaranteed overnight mail or by personal delivery within 24 hours of making or receiving the contribution." Please advise whether a late contribution report filed with the City Clerk via electronic mail fulfills this filing obligation.

(Please note that I made this request for a ruling by telephone on this date, and was advised that filing by electronic mail is an acceptable form of "personal delivery," provided that a hardcopy is made of the electronic memo and is placed in the candidate's file. I was asked by the FPPC to make the request for a ruling by letter.)

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna R. Betancourt".

DONNA R. BETANCOURT  
Acting City Clerk



# California Fair Political Practices Commission

June 2, 1988

Donna R. Betancourt  
Acting City Clerk  
1685 Main Street  
Santa Monica, CA 90401-3295

Re: 88-208

Dear Ms. Betancourt:

Your letter requesting advice under the Political Reform Act was received on June 2, 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 jph*

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh

SANTA

CITY OF



MONICA

CALIFORNIA

City Clerk

1685 Main Street  
Santa Monica, CA 90401-3295  
(213) 458-8211

May 27, 1988

California Fair Political  
Practices Commission  
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DONNA R. BETANCOURT  
Acting City Clerk