

Fair Political Practices Commission

MEMORANDUM

To: David Collins
Lexis-Nexis

From: Tara Stock
Legal Secretary

Subject: *Lavin* Advice Letter, No. A-99-201
Sepulveda Advice Letter, No. I-90-216
Tombarelli Advice Letter, No. I-88-300

Date: December 10, 1999

Included on the enclosed diskette is the *Lavin* Advice Letter, No. A-99-201. Please replace the version that is currently in the CaFair database with this version.

Please add the following to the summary for the *Sepulveda* Advice Letter, No. I-90-216:

“This letter has been superseded by legislative changes to Government Code Sections 82015 and 82025.”

Please add the following to the summary for the *Tombarelli* Advice Letter, No. I-88-300:

“This letter is SUPERSEDED in part by legislative changes to Government Code Sections 82015 and 82025. It is superseded to the extent that it defines expenditures to include contributions made from personal funds to other candidates.”

Thank you for your assistance. Please call me at (916) 327-0268 if you have any questions.

Fair Political Practices Commission

MEMORANDUM

To: Dominica Mahler
West Group

From: Tara Stock
Legal Secretary

Subject: *Tombarelli* Advice Letter, No. I-88-300
Sepulveda Advice Letter, No. I-90-216

Date: December 10, 1999

Please add the following to the summary for the *Tombarelli* Advice Letter, No. I-88-300:

“This letter is SUPERSEDED in part by legislative changes to Government Code Sections 82015 and 82025. It is superseded to the extent that it defines expenditures to include contributions made from personal funds to other candidates.”

Please add the following to the summary for the *Sepulveda* Advice Letter, No. I-90-216:

“This letter has been superseded by legislative changes to Government Code Sections 82015 and 82025.”

Thank you for your assistance. Please call me at (916) 327-0268 if you have any questions.



California
Fair Political
Practices Commission

**SUPERSEDED
IN PART**

by legislative changes
to Sections 82015 and
82025

August 29, 1988

Ms. Carol Tombarelli
Assistant County Clerk
Hall of Justice
600 Union Avenue
Fairfield, CA 94533

Your Request for Advice
Our File No. I-88-300

Dear Ms. Tombarelli:

You have requested advice under the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} You have not identified the person on whose behalf you are seeking advice. Therefore, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTIONS

(1) What are the semi-annual filing requirements for superior and municipal court judges who are not involved in an election?

(2) What are the filing requirements for candidates for superior and municipal court seats when the candidates are involved in an election and are running unopposed?

CONCLUSIONS

(1) Superior and municipal court judges who are not involved in an election are required to file semi-annual statements only if they have received contributions or made expenditures during the six-month period covered by the statement.

^{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/}Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3).)

(2) During a six-month period in which they are being voted upon, candidates for superior and municipal court seats must file pre-election statements. This requirement applies even if the candidate is running unopposed. However, whenever a statement is required, a "Candidate and Officeholder Campaign Statement-Short Form" (Form 470) may be filed if the candidate's total receipts and total expenditures will be less than \$1,000 for the entire calendar year.

ANALYSIS

Section 84200(2) provides that "elected officers whose salaries are less than one hundred dollars (\$100) a month, judges, judicial candidates, and their controlled committees shall not file semiannual statements pursuant to this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures..." "Expenditures" include contributions made from personal funds to another candidate or to a committee. (In re Lui, 10 FPPC 10, copy enclosed.)

In addition, Section 84200.5 provides that judges and candidates for judicial office who are being voted upon must file pre-election statements in connection with the election. The requirement to file campaign statements during the six-month period during which the candidate is being voted upon applies regardless of whether the candidate receives any contributions or makes any expenditures. It also applies even if the candidate is running unopposed.

Judges and judicial candidates who are required to file disclosure statements in connection with an election may file a Form 470 (Candidate and Officeholder Campaign Statement Short-Form) if they do not anticipate receiving contributions of \$1,000 or more or making expenditures of \$1,000 or more during the entire calendar year. Judges and judicial candidates who have a controlled committee may also file the Form 470 as long as total contributions received by the committee and the candidate will be less than \$1,000 and total expenditures made by the committee and the candidate will be less than \$1,000 during the entire calendar year. (Section 84206 and the 1988 "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," pages 17 and 18.)

Carol Tombarelli
Page 3

Please do not hesitate to contact me if you have additional questions concerning this matter.

Sincerely,

Diane M. Griffiths
General Counsel



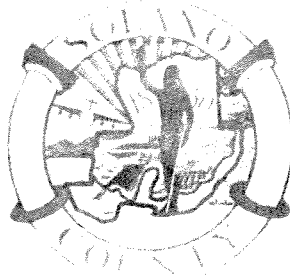
By: Mary Ann Kvasager
Political Reform Consultant

Enclosures
DMG:MAK:kmt

OFFICE OF THE COUNTY CLERK

NEIL CRAWFORD
COUNTY CLERK
CAROL TOMBARELLI
ASST. COUNTY CLERK

JUL 29 8 45 AM '88



HALL OF JUSTICE
600 UNION AVENUE
FAIRFIELD, CALIFORNIA 94533
PHONE (707) 429-6412

July 27, 1988

Linda Moureaux
Legal Documents Examiner
Technical Assistance and
Analysis Division
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

Re: Campaign Disclosure Statements for Superior and Municipal
Court Judges

Dear Linda:

- On page 6 of the 1988 Information Manual on Campaign
• Disclosure Provisions of the Political Reform Act, Part I, Who
Must File, A. Elected Officeholders, it states, "Persons who hold
state or local elective office must file campaign statements.
Elected officeholders include state constitutional officers, and
state legislators, city and county elected officers, judges.....
etc.,."

However, on page 17 of the same manual it states, "All
judges, candidates for judicial office and their controlled
committees must file a semi-annual statement for each half of the
year if they have received contributions or made expenditures
during the six-month period covered by the statement."

I called your division yesterday for an interpretation of
the filing requirements in regard to semi-annual campaign
disclosure statements for superior and municipal court judges who
are not running for office and/or who had no opposition during
the past primary election. However, in talking with one of our
superior court judges, he informed me he would like to have an
official policy statement from your office concerning this
matter.

I know this must be an extremely busy time for you, but I would appreciate any assistance you can provide. Thank you for all your past kindnesses, and if I can be of any help please do not hesitate to contact me.

Very truly yours,

Carol Tombarelli

Carol Tombarelli
Assistant County Clerk

ct

88-300

OFFICE OF THE COUNTY CLERK

NEIL CRAWFORD
COUNTY CLERK
CAROL TOMBARELLI
ASST. COUNTY CLERK

F P P P
JUL 29 8 45 AM '88



HALL OF JUSTICE
600 UNION AVENUE
FAIRFIELD, CALIFORNIA 94533
PHONE (707) 429-6412

July 27, 1988

Linda Moureaux
Legal Documents Examiner
Technical Assistance and
Analysis Division
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

Re: Campaign Disclosure Statements for Superior and Municipal
Court Judges

Dear Linda:

On page 6 of the 1988 Information Manual on Campaign Disclosure Provisions of the Political Reform Act, Part I, Who Must File, A. Elected Officeholders, it states, "Persons who hold state or local elective office must file campaign statements. Elected officeholders include state constitutional officers, and state legislators, city and county elected officers, judges..... etc.,."

However, on page 17 of the same manual it states, "All judges, candidates for judicial office and their controlled committees must file a semi-annual statement for each half of the year if they have received contributions or made expenditures during the six-month period covered by the statement."

I called your division yesterday for an interpretation of the filing requirements in regard to semi-annual campaign disclosure statements for superior and municipal court judges who are not running for office and/or who had no opposition during the past primary election. However, in talking with one of our superior court judges, he informed me he would like to have an official policy statement from your office concerning this matter.

I know this must be an extremely busy time for you, but I would appreciate any assistance you can provide. Thank you for all your past kindnesses, and if I can be of any help please do not hesitate to contact me.

Very truly yours,

Carol Tombarelli

Carol Tombarelli
Assistant County Clerk

ct