



California Fair Political Practices Commission

August 17, 1988

Raymond T. Littrell
Councilman, City of Garden Grove
P.O. Box 3070
Garden Grove, CA 92642

Re: Your Request for Advice
Our File No. I-88-310

Dear Councilman Littrell:

Chairman Larson asked me to respond to your letter of August 5, 1988, in which you make suggestions for a revision to the Form 470 (Candidate and Officeholder Campaign Statement - Short Form).

We have received other questions and concerns about the Form 470, and will attempt to clarify the circumstances under which it should be used by candidates and officeholders.

The provision for use of a "short form" by candidates and officeholders is contained in Government Code Section 84206 which provides that it may be used by:

candidates and officeholders who receive contributions of less than one thousand dollars (\$1,000), and who make expenditures of less than one thousand dollars (\$1,000), in a calendar year.

I believe the confusion concerning use of the short form arises from the fact that all candidates and officeholders, whether or not they have any campaign activity, are required to file certain campaign statements (pre-election or semi-annual statements) prior to the end of the year. And, as you point out, they do not know for sure until the end of the year whether they will actually raise or spend \$1,000 or more. The staff has always advised candidates and officeholders that they may use the Form 470 if they anticipate that they will raise less than \$1,000 and will spend less than \$1,000 during the entire calendar year.

We will review the use of the Form 470, particularly the language of the verification.

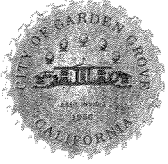
Raymond T. Littrell
August 17, 1988
Page Two

Thank you for taking the time to write to us about this problem. We appreciate your suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Pritchard". The signature is written in black ink and is positioned to the right of the typed name.

Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division



CITY OF GARDEN GROVE, CALIFORNIA

11391 ACACIA PARKWAY, P.O. BOX 3070, GARDEN GROVE, CALIFORNIA 92642

August 5, 1988

John Larson, Chairman
Fair Political Practices Commission
428 "J" Street
Post Office Box 807
Sacramento, California 95804-0807

Aug 5 12:10 PM '88

Re: **Form 470 Candidate and Officeholder Campaign Statement**

Dear Mr. Larson:

I am writing you to ask the Commission to review and revise Form 470 and the accompanying cover sheet. Form 470 is a problem for elected officials because it calls for reporting what has happened and what may or may not happen at the same level of certainty. The problem arises at the time of midyear filings of Form 470. The filing party must report campaign contributions for the first six months of the year. This is a fair requirement. Also, the filing party must report the expectancy of no or limited campaign contributions for the last six months of the year as a certainty "under penalty of perjury." This is not fair. Often decisions to file for election for offices submitted to the electorate in the Fall or, even the Spring, are made after the midyear filing deadline in mid-summer or in the Fall. An elected official's "guess" is reported as a "fact," even if that elected official knows his or her circumstances could change.

We have been informed by Kathryn Donovan that the FPPC has had other complaints about this problem with Form 470. She stated that the FPPC advice to elected officials is "use your best judgment at the time of filing, and file a 'long form' campaign statement if plans change and contributions are received or solicited." The FPPC position is fair and eliminates the risk of penalties. However, the political risk to an elected official remains. A member of the public or an opposition candidate can obtain the midyear filing and use it for misleading political purposes. For example, the elected official could be accused of lying under oath about his political intentions.

For the purposes of midyear short forms, I would suggest that the verification be changed to read:

John Larson

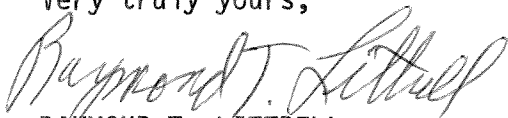
August 5, 1988
Page 2

Re: **Form 470 Candidate and Officeholder Campaign Statement**

"I declare under penalty of perjury that to the best of my knowledge, during the calendar year, I have not yet received or expended \$1,000 and am not presently actively soliciting campaign contributions, and that I have used all reasonable diligence in preparing this statement."

This change would allow the elected official to discuss political options, so long as campaign contributions are not being solicited.

Very truly yours,



RAYMOND T. LITTRELL
Councilman

SS/RTL/pw



California
Fair Political
Practices Commission

August 10, 1988

Honorable Raymond T. Littrell
Councilmember
City of Garden Grove
P.O. Box 3070
Garden Grove, CA 92642

Re: 88-310


Dear Mr. Littrell:

Your letter requesting advice under the Political Reform Act was received on August 8, 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
Chief
Technical Assistance and Analysis
Division

JP:plh

916-444-5790

1988

**FORM 470
CANDIDATE AND OFFICEHOLDER CAMPAIGN STATEMENT -- SHORT FORM**

- FOR USE BY CANDIDATES AND OFFICEHOLDERS WHO DO NOT HAVE A CONTROLLED COMMITTEE AND WHO WILL NOT RECEIVE \$1,000 OR MORE AND WILL NOT SPEND \$1,000 OR MORE DURING THE ENTIRE CALENDAR YEAR.
- THE PERIOD COVERED IS ALWAYS THE CALENDAR YEAR (JANUARY 1 THROUGH DECEMBER 31).
- TO DETERMINE IF \$1,000 HAS BEEN RAISED OR SPENT OR WILL BE RAISED OR SPENT, THE CANDIDATE'S PERSONAL FUNDS FOR THE FILING FEE OR STATEMENT OF QUALIFICATIONS ARE EXCLUDED. HOWEVER, SUCH PAYMENTS ARE "EXPENDITURES" AND ARE REPORTABLE IF THE CANDIDATE IS SUBSEQUENTLY REQUIRED TO FILE A CAMPAIGN STATEMENT LONG FORM (FORM 490). IN ADDITION, CONTRIBUTIONS MADE TO OTHER CANDIDATES, OFFICEHOLDERS AND COMMITTEES FROM A CANDIDATE'S OR OFFICEHOLDER'S PERSONAL FUNDS OR THE PERSONAL FUNDS OF HIS OR HER SPOUSE ARE INCLUDED FOR PURPOSES OF THE \$1,000 THRESHOLD.
- IF THE FORM 470 IS FILED BY A CANDIDATE OR OFFICEHOLDER WITH A DECLARATION OF CANDIDACY, OR ON OR BEFORE THE FILING DEADLINE FOR THE FIRST CAMPAIGN STATEMENT REQUIRED FOR THE CURRENT CALENDAR YEAR, NO ADDITIONAL CAMPAIGN STATEMENTS NEED BE FILED FOR THAT CALENDAR YEAR SO LONG AS TOTAL RECEIPTS AND TOTAL EXPENDITURES REMAIN LESS THAN \$1,000. (IN MOST CASES, THE FILING DEADLINE FOR THE FIRST CAMPAIGN STATEMENT REQUIRED TO BE FILED BY OFFICEHOLDERS AND CANDIDATES NOT BEING VOTED UPON IS JULY 31. SEE THE "INFORMATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL REFORM ACT" FOR FURTHER INFORMATION.)

IMPORTANT

"COMMITTEES" MUST FILE SEMI-ANNUAL CAMPAIGN DISCLOSURE REPORTS FOR EACH SIX-MONTH PERIOD WHETHER OR NOT THEY HAD ANY ACTIVITY DURING THE SIX-MONTH PERIOD COVERED BY THE STATEMENT. THEREFORE, OFFICEHOLDERS AND CANDIDATES WHO HAVE A "CONTROLLED COMMITTEE" SHOULD FILE THE FORM 490, CANDIDATE AND OFFICEHOLDER CAMPAIGN STATEMENT-LONG FORM AND CONSOLIDATED CAMPAIGN STATEMENT.

OFFICEHOLDERS WHOSE SALARY IS LESS THAN \$100 PER MONTH AND JUDGES, WHO HAVE A CONTROLLED COMMITTEE, SHOULD REFER TO THE "INFORMATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL REFORM ACT," TO DETERMINE THEIR FILING OBLIGATIONS.



FORM 470
1988

CANDIDATE AND OFFICEHOLDER
CAMPAIGN STATEMENT — SHORT FORM

(Government Code Section 84206)

For use by candidates and officeholders who do not have a controlled committee* and who will not receive \$1,000 or more in contributions and will not spend \$1,000 or more during the entire calendar year.

A OFFICIAL USE ONLY

Type or Print in Ink

Period Covered: Calendar Year 19 _____

NAME OF CANDIDATE OR OFFICEHOLDER

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL ADDRESS NO. AND STREET CITY STATE ZIP CODE AREA CODE PHONE NUMBER

BUSINESS ADDRESS NO. AND STREET CITY STATE ZIP CODE AREA CODE BUSINESS PHONE NUMBER

DATE OF ELECTION (MO., DAY, YR.) (IF APPLICABLE)

LIST ALL COMMITTEES OF WHICH YOU HAVE KNOWLEDGE WHICH ARE PRIMARILY FORMED TO RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES ON BEHALF OF YOUR CANDIDACY

COMMITTEE NAME AND ID NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER

*Officeholders whose salary is less than \$100 per month and judges, who have a controlled committee, may use this form under certain circumstances. See the "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," for further information.

VERIFICATION

I declare under penalty of perjury that to the best of my knowledge, during the calendar year, less than \$1,000 will be received and less than \$1,000 will be expended by myself and that I have used all reasonable diligence in preparing this statement.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____

(DATE)

(CITY AND STATE)

by _____

(SIGNATURE OF CANDIDATE OR OFFICEHOLDER)

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act."



California Fair Political Practices Commission

August 10, 1988

Honorable Raymond T. Littrell
Councilmember
City of Garden Grove
P.O. Box 3070
Garden Grove, CA 92642

Re: 88-310

Dear Mr. Littrell:

Your letter requesting advice under the Political Reform Act was received on August 8, 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,

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

Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh