



California Fair Political Practices Commission

March 13, 1989

Carolyn Anderson
WTA PAC Chairperson
Westminster Teachers Association
8511 Heil Avenue
Westminster, CA 92683

Re: Your Request For Advice
Our File No. I-88-481

Dear Ms. Anderson:

You have requested advice under the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTIONS AND CONCLUSIONS

1. After January 1, 1989, does a PAC need to contribute to five candidates every year to maintain broad based status? If no, what are the conditions to maintain broad based status?

A "broad based political committee" must review its contributions each year to determine whether it continues to meet the definition of broad based political committee. In the "Analysis" section of this letter, this definition is discussed in detail.

2. Do contributions to ballot propositions count toward broad based committee status?

One of the criteria for qualifying as a broad based political committee is that the committee "makes contributions to five or more candidates." Contributions to ballot propositions do not meet this criterion.

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.

3. Do present elected officials have to complete Form 501 to accept contributions after January 1, 1989?

Any individual, including present elected officials, who intend to solicit or receive a contribution after the operative date of Proposition 73 must file a "Candidate Intention" (Form 501). The Form 501 must be filed with the Commission prior to soliciting or receiving any contributions.

Your fourth question concerning the content of Commission workshops is no longer relevant, and has been answered by Kevin Braaten-Moen of this office.

ANALYSIS

1. Section 85102(d) sets out the criteria for qualifying as a "broad based political committee." Section 85102(d) provides that:

"Broad based political committee" means a committee of persons which has been in existence for more than six months, receives contributions from one hundred or more persons, and acting in concert makes contributions to five or more candidates.

Commission Regulation 18502(a)(3) provides that, for the purpose of determining whether a committee has "received contributions from one hundred or more persons" and has "made contributions to five or more candidates," the committee may count the contributions it has received and made "during the period covered by the current fiscal year and the two preceding fiscal years."

Once a committee has qualified as a broad based political committee, it must review its contributions at the end of each calendar year to determine whether it still meets the definition of a broad based political committee. If it is determined that the committee no longer meets the definition, the committee's statement of organization (Form 410) must be amended to so indicate.

2. As indicated above, to qualify as a broad based political committee, a committee must have made "contributions to five or more candidates" anytime during the period covered by the current fiscal year and the two preceding fiscal years. Contributions made to ballot measure committees are not counted to determine whether the committee has made "contributions to five or more candidates."

Carolyn Anderson
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3. Section 85200 provides:

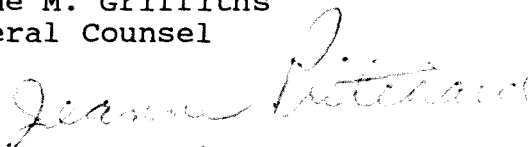
Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office shall file with the commission a statement signed under penalty of perjury of intention to be a candidate for a specific office.

The language of Section 85200 makes it clear that any individual, including an elected official, who intends to solicit or receive a contribution must file the "Candidate Intention" (Form 501).

I hope this letter adequately answers your questions. Please call me at (916) 322-5661 if you have additional questions

Sincerley,

Diane M. Griffiths
General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division



WESTMINSTER TEACHERS ASSOCIATION

8511 HEIL AVENUE

WESTMINSTER, CALIFORNIA 92683

(714) 842-7736

December 20, 1988

California Fair Political Practices Commission
Technical Assistance and Analysis Division
428 J Street, Suite 800
Sacramento, Calif. 95814

Attention: Kevin

Dec 29 11 35 AM '88
F P P C

Dear Kevin,

Thank you for all your help in answering so many questions. When you have some "spare" time, I would appreciate it if you would edit the enclosed information I sent out to our local association PAC chairpersons. If I was incorrect in any way, I would like to let them know.

I also have a few more questions for you.

1. After January 1, 1989, does a PAC need to contribute to 5 candidates every year to maintain broad based status?
If no, what are the conditions to maintain broad based status?
2. Do contributions to ballot propositions count towards broad based status?
3. Do present elected officials have to complete Form 501 to accept contributions after January 1, 1989? If no, what are the guidelines for them to accept contributions after January 1, 1989?
4. Will the workshops being offered by the Commission cover the types of questions I asked via our phone conversations and as stated above?

Thank you for your assistance to this matter.

Sincerely,

Carolyn Anderson
WTA PAC Chairperson

WEST ORANGE COUNTY UNITED TEACHERS

TO: POLITICAL ACTION COMMITTEE CHAIRPERSONS
DEA FVEA HBETA OVTA WTA

FROM: CAROLYN ANDERSON

RE: PROP 73 (Campaign Limitation Spending)

DATE: December 20, 1988

At the last WOCUT Board of Directors meeting, I mentioned some concerns regarding the new regulations on Prop 73. I promised to "get on top" of what's happening and now offer the following information.

1. Broad Based Political Committee vs. Political Committee:

You need to determine which committee fits your PAC.

A committee qualifies as a broad based political committee if it meets all of the following requirements:

1. been in existence for more than six months;
2. has received contributions from 100 or more persons within the current fiscal year and the two preceding fiscal years;
3. has made contributions to five or more candidates anytime during the current fiscal year and the two preceding fiscal years.

A fiscal year is July 1 - June 30

If you do not meet the above requirements, your PAC is a political committee and you do not need to amend your statement of organization.

If you do meet the requirements of being broad based, prior to making any contribution totaling more than \$2500. for support or opposition of a candidate after January 1, 1989, you need to amend your statement of organization to indicate: (Form 410)

1. that it is a broad based political committee;
2. the date on which it qualified as a broad based political committee. (If you qualified on or before January 1, 1989, you need not state the date on which it qualified, but merely indicate that the date was "on or before Jan. 1, 1989.")

2. Present bank account vs. opening a separate bank account:

If no one individual contributed \$1000.(one thousand) or more, and if you have 100 or more contributors (payroll deduction, fund raisers), then your present money is okay to use for any purpose and you do not need to open a separate bank account.

3. Contributing to a candidate(s):

1. If you are designated a political committee, you may contribute up to \$2500. per candidate, total expenses and in kind services each fiscal year (July 1 - June 30). In other words, you can contribute up to \$2500. by June 30 and another \$2500. July 1.

2. If you are designated a broad based political committee, you can contribute up to \$5000. per candidate, total expenses and in kind services each fiscal year.

3. You may contribute to candidates even if it is not an election year as stated above but that candidate(s) would need to file Form 501 to accept the contribution. This goes into effect Jan. 1, 1989.

4. The California Fair Political Practices Commission is providing workshops regarding the implementation of Prop 73. I personally do not feel that each Association needs to be represented as long as someone does attend and reports back to us.

If you are interested in attending, please call the WOCUT office and let Maggie or Joyce know which session you plan to attend. If your Association has release days, request one through your president. If more than one person is attending, possibly car pooling can be arranged. WOCUT will reimburse transportation and meal (if any) costs.

VAN NUYS

January 17
1:00 p.m.
6150 Van Nuys Blvd.
Auditorium
Parking: On site

San Diego

January 23
9:00 a.m. or 1:00 p.m.
County Operations Center Annex
Dept. of Planning and Land Use
5201 Ruffin Rd., Ste 5
Parking: On site

Please respond as soon as possible if you plan to attend.

5. These are the people I contacted to gather this information:

1. Kevin - Calif. Fair Political Practices Commission
(916) 322-5662 (Sacramento)
2. Betty Andrews - Supervisor, CTA/ABC, Governmental Relations
(916) 442-5895 (Sacramento)
3. Steven Martinez - Accounting Supervisor, CTA/ABC Funds
(415) 697-1400 (Burlingame)

6. For further clarification on what I've written, call me at home (714) 638-1729 or at WOCUT.

cc: Association Presidents DEA FVEA HBETA OVTA WTA
Bertha Hollister
Marty Kahn



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