



# California Fair Political Practices Commission

June 19, 1989

Lance H. Olson  
Olson, Connelly, Hagel and Fong  
300 Capitol Mall, Suite 350  
Sacramento CA 95814

Re: Your Request for Advice  
Our File No. A-89-304

Dear Mr. Olson:

This is in response to your request for advice regarding the duties and responsibilities of the Sacramentans For Hope committee under the provisions of the Political Reform Act (the "Act").<sup>1</sup>

#### QUESTION

Do the name and the statement of organization of the committee Sacramentans For Hope comply with the requirements of the Act?

#### CONCLUSION

Absent information which rebuts the presumption that Supervisor James Streng controls the actions or decisions of the committee, the name and the statement of organization of the committee Sacramentans For Hope do not comply with the requirements of the Act and should be amended.

#### FACTS

Your office represents the Sacramentans For Hope recipient committee. The committee is registered with the Secretary of State as a "primarily formed" committee for the purpose of opposing Measure L, which appeared on the June 6, 1989, ballot in Sacramento County. You are seeking advice relative to the duties and responsibilities of the committee under the Act.

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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.

The committee is governed by a sixteen-member steering committee which sets the policies for receipt and expenditure of campaign funds. Thirteen of the steering committee members serve in a representative capacity on behalf of a variety of nonprofit organizations in the medical research, health, and academic fields. Two of the members of the steering committee serve in an individual capacity. The remaining member of the steering committee is Sacramento County Supervisor James Streng. Many, although not all, of the organizations represented on the steering committee will be making direct or in-kind contributions to the committee.

The statement of organization on file with the office of the Secretary of State lists the name of the committee as Sacramentans For Hope - No on Measure L Sponsored by a Coalition of Academic, Health and Research Organizations. The statement of organization indicates that the committee is not controlled by a candidate, officeholder or state measure proponent and is not acting jointly with any other committees. The statement of organization does indicate that the committee is a sponsored committee and each of the thirteen organizations represented on the steering committee is listed as a sponsor of the committee. The statement of organization also indicates that the committee has been primarily formed to oppose Measure L on the Sacramento County ballot.

#### ANALYSIS

The Act defines a committee as any person or combination of persons who directly or indirectly receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year. (Section 82013(a).) Committees are required to file a statement of organization with the Secretary of State. (Section 84101(a).)

Additionally, Government Code Section 82016 defines a "controlled committee" as:

...a committee which is controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee. (Emphasis added.)

You have stated in your request for advice that Sacramentans For Hope is a committee sponsored by a variety of organizations in the fields of medical research, health, and academics. Additionally, the sixteen member steering committee which sets the policies for receipt and expenditure of campaign funds includes

Sacramento County Supervisor James Streng who is a candidate for purposes of the Act.<sup>2</sup>

Section 82048.7 (previously numbered 82048.5) specifically excludes controlled committees from the definition of sponsored committee. This statute provides in pertinent part that:

"Sponsored committee" means a committee, other than a candidate controlled committee, which has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.

Section 82048.7(a).

Thus, if we determine that Sacramentans For Hope is a controlled committee, we cannot also conclude it is a sponsored committee. (Scully Advice Letter, No. A-88-054, copy enclosed.)

A candidate or an elected officeholder who is a voting member of a committee's steering committee is presumed to be a "controlling candidate" because he probably exercises "significant influence on the actions or decisions of the committee." (Ferguson Advice Letter, No. A-86-044, copy enclosed.) The Commission has interpreted the definition of "controlled committee" very broadly to include any significant participation in the actions of a committee by a candidate, his or her agent, or representatives of any other committee he or she controls. (Forcier Advice Letter, No. I-89-058, copy enclosed.) Therefore, absent information that demonstrates that Supervisor Streng does not exercise "significant influence on the actions or decisions of the committee," Sacramentans For Hope is a controlled committee for purposes of the Act.

The contents of the statement of organization of a controlled committee must comply with specific requirements of the Act. Section 84106, added to the Act by Proposition 68, has been determined to be not in conflict with Proposition 73 and severable from the other provisions of Proposition 68. (In re Bell (1988) 11 FPCC Ops. 1, copy enclosed.) It requires that the name of a committee include or be accompanied by the name of any individual, entity or other person controlling the committee. (See also Bagatelos Advice Letter, No. I-88-475, copy enclosed.)

The committee Sacramentans For Hope includes an elected official in its steering committee. It is, therefore, a controlled committee and the statement of organization should be amended to include the name of Sacramento County Supervisor James Streng in

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<sup>2</sup> An elected official is a candidate for purposes of the Act. An individual who becomes a candidate retains his status as a candidate until that status is officially terminated. (Government Code Section 82007.)

the name of the committee. In the alternative, Supervisor Streng's name must accompany the name of the committee. Additionally, if the committee supports or opposes a ballot measure as its primary activity, the name of the committee also must identify the measure's ballot number or letter and indicate whether the committee supports or opposes the measure. (Section 84107.)

The amended statement of organization need not include the names of those sponsoring the committee because a controlled committee need not meet the sponsored committee requirements of the Act. We have determined that Sacramentans For Hope is a controlled committee. Thus, the amended statement of organization need only address the requirements of Section 84106, as added by Proposition 68. A candidate controlled committee is not required to meet the sponsored committee requirements of the Act. (Section 84028.7; Bagatelos Advice Letter, supra.)

Should you have any further questions regarding the above matter, do not hesitate to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Blanca M. Breeze  
Counsel, Legal Division

KED:BMB:plh

Enclosures

Law Offices of  
OLSON, CONNELLY, HAGEL & FONG

FPPC

May 19, 1989

MAY 19 9 09 AM '89

Ms. Kathryn Donovan, General Counsel  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

**RE: SACRAMENTANS FOR HOPE - MEASURE L**

Dear Ms. Donovan:

This office represents the above-referenced Recipient Committee. The Committee is registered with the Secretary of State as a "primarily formed" Committee for the purpose of opposing Measure L which will appear on the June 6, 1989 ballot in Sacramento County. I am seeking advice relative to the Committee's duties and responsibilities under the Political Reform Act of 1974 as amended.

The Committee is governed by a sixteen member steering committee which sets the policies for receipt and expenditure of campaign funds. Thirteen of the steering committee members serve in a representative capacity on behalf of a variety of non-profit organizations in the fields of medical research, health and academics. Two of the members of the steering committee serve in an individual capacity. The final member of the steering committee is Sacramento County Supervisor James Streng. Many, although not all, of the organizations represented on the steering committee will be making direct or in-kind contributions to the Committee.

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

The Statement of Organization on file with the Secretary of State's office lists the name of the Committee as follows, Sacramentans for Hope - No on Measure L Sponsored by a Coalition of Academic, Health and Research Organizations. The Statement of Organization indicates that the Committee is not controlled by a candidate office-holder or State measure proponent and is not acting jointly with any other committees. The Statement of Organization does indicate that the Committee is a sponsored Committee and each of the thirteen organizations represented on the steering committee are listed as sponsors of the Committee.

OF COUNSEL  
LLOYD G. CONNELLY, *Member*  
*California State Legislature*

May 19, 1989  
Page Two

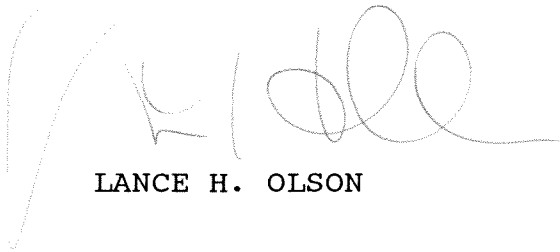
Finally the Statement of Organization indicates that the Committee's primarily formed to oppose Measure L on the Sacramento County ballot.

The Committee wishes to know whether its name and the Statement of Organization complies with the provisions of the Political Reform Act.

I would appreciate your prompt response in view of the fact that Measure L will be voted upon by the voters relatively soon.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

A handwritten signature in cursive script, appearing to read "L. H. Olson", written in dark ink. The signature is positioned above the typed name "LANCE H. OLSON".

LANCE H. OLSON

LHO:kh



Form 410  
1989

FILE AN ORIGINAL AND ONE COPY OF THIS FORM WITH:

Secretary of State  
Political Reform Division  
P.O. Box 1467  
Sacramento, CA 95812-1467

AND, IF APPLICABLE, FILE ONE COPY OF THIS FORM WITH:

The city or county filing officer, if any, with whom the committee must file its original campaign disclosure statements.

RECEIVED  
AND FILED  
in the office of the Secretary of State  
of the State of California

APR 28 1989

Hard Delivered, Sacramento  
MARCH FONG EU, Secretary of State

### STATEMENT OF ORGANIZATION (RECIPIENT COMMITTEE)

(Government Code Sections 84101-84103)

(Type or Print in Ink)

890612

IF AMENDMENT  
ENTER I.D. NUMBER

FULL NAME OF COMMITTEE:

Sacramentans for Hope - No on Measure L - Sponsored by a Coalition of Academic Health & Research Org.

STREET ADDRESS OF COMMITTEE:

(NOT P.O. BOX)

300 Capitol Mall, #350

NO. AND STREET

CITY

STATE

ZIP CODE

Sacramento, CA

95814

COUNTY:

Sacramento

MAILING ADDRESS (IF DIFFERENT):

NO. AND STREET (OR P.O. BOX)

CITY

STATE

ZIP CODE

Same

DATE QUALIFIED AS COMMITTEE (MO., DAY, YR.):

Not yet Qualified

AREA CODE

(916)

PHONE NUMBER

442-2952

A FOR OFFICIAL USE ONLY

B FOR OFFICIAL USE ONLY

#### I TREASURER AND OTHER PRINCIPAL OFFICERS

POSITION	NAME AND ADDRESS AND MAILING ADDRESS, IF DIFFERENT	(AREA CODE)	BUSINESS PHONE NO
TREASURER	Lance H. Olson 300 Capitol Mall, #350 Sacramento, CA 95814	916	442-2952

Attach additional information on appropriately labeled continuation sheets.

#### II IS THIS A BROAD BASED POLITICAL COMMITTEE? (See definition and important information on reverse.)

YES

Enter the date on or before which the committee qualified as a broad based committee: \_\_\_\_\_

NO

#### III IS THIS COMMITTEE CONTROLLED BY A CANDIDATE, OFFICEHOLDER OR STATE MEASURE PROPONENT? (See definition and important information on reverse.)

YES (Complete the following)

NO

IF THIS COMMITTEE IS CONTROLLED BY AN OFFICEHOLDER OR A CANDIDATE, THE NAME OF THE CONTROLLING CANDIDATE OR OFFICEHOLDER, THE ELECTIVE OFFICE SOUGHT OR HELD AND DISTRICT NUMBER, IF ANY, MUST BE LISTED. IF THIS IS A BALLOT MEASURE COMMITTEE CONTROLLED BY MORE THAN ONE CANDIDATE, THE NAME OF EACH CONTROLLING CANDIDATE MUST BE LISTED. IF THIS COMMITTEE IS CONTROLLED BY A STATE MEASURE PROPONENT, THE NAME OF THE STATE MEASURE PROPONENT MUST BE LISTED.


Attach additional information on appropriately labeled continuation sheets.

#### IV IS THIS COMMITTEE ACTING JOINTLY WITH OTHER COMMITTEES?

YES (Complete the following)

NO

NAMES OF COMMITTEES WITH WHICH THIS COMMITTEE ACTS JOINTLY. ALSO PROVIDE THE COMMITTEES' IDENTIFICATION NUMBERS OR THE TREASURERS' NAMES AND PERMANENT STREET ADDRESSES.


Attach additional information on appropriately labeled continuation sheets.

YOU MUST COMPLETE THE VERIFICATION ON PAGE 2

Sacramentans for Hope

IS A SPONSORED COMMITTEE? (Refer to the instructions on the reverse side for definitions and rules regarding name of a sponsored committee.)

NO

YES (Provide name and address of sponsor. If the committee has more than one sponsor, provide the name and address of each sponsor on an attachment.)

Name of Sponsor: See Attached

Address of Sponsor: \_\_\_\_\_

**VI IF PRIMARILY FORMED TO SUPPORT OR OPPOSE SPECIFIC CANDIDATES OR MEASURES, LIST SPECIFIC CANDIDATES OR MEASURES SUPPORTED OR OPPOSED.**

CANDIDATE'S NAME/MEASURE'S FULL TITLE INCLUDING BALLOT NUMBER OR LETTER	SUPPORT	OPPOSE	OFFICE SOUGHT OR HELD BY CANDIDATE OR MEASURE'S JURISDICTION (Include district number, city or county, as applicable.)
Measure L		X	Sacramento County

Attach additional information on appropriately labeled continuation sheets.

**VII COMMITTEE'S PRINCIPAL ACTIVITY IF NOT SUPPORTING OR OPPOSING SPECIFIC CANDIDATES OR MEASURES -- PLEASE**

CHECK BOX TO INDICATE THE COMMITTEE'S LEVEL OF ACTIVITY:  CITY  COUNTY  STATE

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Attach additional information on appropriately labeled continuation sheets.

**VIII YOU MUST SPECIFY WHAT DISPOSITION WILL BE MADE OF SURPLUS FUNDS IN THE EVENT OF TERMINATION.**

Any lawful purpose.

**VERIFICATION**

I HAVE USED ALL REASONABLE DILIGENCE IN PREPARING THIS STATEMENT. I HAVE REVIEWED THE STATEMENT AND TO THE BEST OF MY KNOWLEDGE THE INFORMATION CONTAINED HEREIN IS TRUE AND COMPLETE.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON 4/26/89 AT Sacramento, CA BY [Signature]  
(DATE) (CITY AND STATE) (SIGNATURE OF TREASURER)

EXECUTED ON \_\_\_\_\_ AT \_\_\_\_\_ BY \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CONTROLLING CANDIDATE, OFFICEHOLDER OR STATE MEASURE PROPONENT)

EXECUTED ON \_\_\_\_\_ AT \_\_\_\_\_ BY \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CONTROLLING CANDIDATE, OFFICEHOLDER OR STATE MEASURE PROPONENT)

EXECUTED ON \_\_\_\_\_ AT \_\_\_\_\_ BY \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CONTROLLING CANDIDATE, OFFICEHOLDER OR STATE MEASURE PROPONENT)

ATTACHMENT - SACRAMENTANS FOR HOPE - NO ON MEASURE L

American Lung Association  
909 12th Street  
Sacramento, California  
(444-5864) 95814

Sacramento/El Dorado  
Medical Society  
5380 Elvas Avenue  
Sacramento, California  
95819

American Heart Association  
2007 O Street  
Sacramento, California  
(446-6505) 95814

Citizens for Life,  
Education and Research  
P.O. Box 144  
Palo Alto, California  
(415) 323-5738 94302

American Cancer Society  
350 Alhambra Boulevard  
Sacramento, California  
(446-7933) 95816

Incurably Ill for  
Animal Research

American Diabetes Association  
5265 H Street  
Sacramento, California  
(455-4111) 95819

Stanford University  
Stanford, California  
(415) 723-2300 94305

California Veterinary Medical  
Association  
5231 Madison Avenue  
Sacramento, California  
(344-4985) 95841

Association of  
Independent  
California Colleges and  
Universities  
1100 11th Street  
Sacramento, California  
(446-7616) 95814

Sacramento Valley Veterinary  
Medical Association  
2020 29th Street  
Sacramento, California  
(456-0240) 95817

California Dental  
Association  
818 K Street  
Sacramento, California  
(443-0505) 95814

Sacramento District Dental  
Society  
1507 21st Street  
Sacramento, California  
(452-5054) 95814



# California Fair Political Practices Commission

May 23, 1989

Lance Olson  
Olson, Connelly, Hagel & Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Letter No. 89-304

Dear Mr. Olson:

Your letter requesting advice under the Political Reform Act was received on May 19, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

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 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, appearing to read "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh