



California
Fair Political
Practices Commission

SUPERSEDED
by Legislative changes
to Sections 82015 and
82025

May 10, 1990

James L. Sepulveda
Deputy District Attorney
Contra Costa County
P. O. Box 670
Martinez, CA 94553

Re: Your Request for Informal
Assistance
Our File No. I-90-216

Dear Mr. Sepulveda:

You have requested assistance concerning the campaign disclosure provisions of the Political Reform Act.^{1/} This letter will confirm the telephone advice provided to you on March 22, 1990.

QUESTION

Is a judge who is unopposed in the June 1990 election, who has received no contributions, and whose only expenditure is the payment of a filing fee out of personal funds required to file a campaign disclosure statement?

CONCLUSION

The judge must file a campaign disclosure statement no later than March 22, 1990 (the filing deadline for the first pre-election statement required in connection with the election). Because less than \$1,000 will be raised and spent (excluding the filing fee), the judge may use the Candidate and Officeholder Campaign Statement-Short Form (Form 470) to complete her filing obligations.

^{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.

ANALYSIS

With certain exceptions, Section 84200 requires persons who hold state or local elective offices and candidates for those offices to file semi-annual campaign statements each year.^{2/} Section 84200(a)(3) states:

A judge who is not listed on the ballot for reelection to or recall from, any elective office during a calendar year shall not file semiannual statements pursuant to this subdivision for any six-month period in that year if both of the following apply:

(A) The judge has not received any contributions.

(B) The only expenditures made by the judge during the calendar year are contributions from the judge's personal funds to other candidates or committees totaling less than one thousand dollars (\$1,000).

Your letter indicates that there is some confusion between the instructions contained on the Form 470, which explain the exception in Section 84200(a)(3), and the instructions contained in the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which state that judges who are unopposed and whose only expenditure is the payment of personal funds for the filing fee or statement of qualifications must file a campaign statement.

The term "expenditure" is defined in Section 82025 as a payment for "political purposes." Regulation 18225 states that a payment is made for political purposes if it is made by a candidate "unless it is clear from surrounding circumstances that the payment was made for personal purposes unrelated to his or her candidacy or status as an officeholder." A judge who has paid a filing fee in connection with his or her reelection has made an "expenditure" which is not covered by the exception outlined in Section 84200(a)(3), i.e., the expenditure is not a contribution to another candidate or committee. Therefore, the judge must file campaign statements during that year even if she is unopposed and will not be listed on the ballot. The 1990 Form 470 instructions have been revised to clarify that such an expenditure will trigger the requirement to file campaign disclosure statements.

With regard to that requirement, any candidate or officeholder who will receive less than \$1,000 in contributions during a calendar year and who will make less than \$1,000 in expenditures during a calendar year may complete his or her campaign disclosure obligations for the entire year by filing the Candidate and Officeholder Campaign Statement--Short Form (Form

^{2/} Section 82023 defines "elective office" to include any judicial office which is filled at an election.

470). Although payments from personal funds for filing fees or a statement of qualifications do come under the Act's definition of "expenditure," such payments need not be counted for purposes of determining if \$1,000 has been raised or spent. (Section 84206; Regulation 18406.)

I hope the foregoing has sufficiently answered your question. Please call me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan
General Counsel

Carla Wardlow

By: Carla Wardlow
Assistant Division Chief
Technical Assistance &
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