



California Fair Political Practices Commission

April 19, 1990

Claudine Campbell Zender
Administrative Assistant
Campaign California
926 J Street, Suite 300
Sacramento, CA 95814

RE: Your Request for Informal
Assistance
Our File No. I-90-236

Dear Ms. Zender:

This is in reply to your letter to Bob Steele, Secretary of State's Political Reform Division, requesting informal assistance concerning the campaign provisions of the Political Reform Act.^{1/} Mr. Steele has referred your letter to the Commission.

QUESTION

May late contribution reports be sent by facsimile transmission?

CONCLUSION

If the filing officer has the ability to receive and is willing to accept this means of transmission, late contribution reports may be filed by facsimile transmission.

ANALYSIS

Section 84203(a) requires each candidate or committee that makes or receives a late contribution, as defined in Section 82306, to report the late contribution to each office with which the candidate or committee is required to file its campaign statements pursuant to Section 84215.

^{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.

Informal Assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal Code of Regs. Sections 18329 (c)(3).).

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Section 84203(b) states that a late contribution must be reported by mailgram, telegram, guaranteed overnight mail through the United States Postal Service, or personal delivery. The late contribution must be reported within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient.

Although the law specifies the manner in which a late contribution report must be sent, the intent of Section 84203(b) can be met by use of facsimile transmission equipment as long as all of the information required by Section 84203(a) is provided in a timely manner.

However, the Commission cannot adopt regulations requiring state and local filing officers to accept late contribution reports filed in this manner. Some filing officers may not have facsimile equipment available to them or easily accessible, and the Commission has no authority to require such officials to purchase the equipment. Therefore, unless each filing officer with whom you are required to file a late contribution report has agreed to accept facsimile transmissions, late contribution reports must be sent in the manner specified in Section 84203(b).

With regard to other reports and statements filed pursuant to the Act, the foregoing advice may also be applied to any other report or statement which is not required to bear an original signature (e.g., late independent expenditure reports). However, facsimile transmission may not be used for any report or statement which is required to contain the filer's original signature.

If you have any questions regarding this matter, please feel free to contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Linda Moureaux
Political Reform Consultant