



# California Fair Political Practices Commission

October 14, 1993

Mr. Harvey Tsuboi  
Office of the  
Secretary of State  
P.O. Box 1467  
Sacramento, CA 95807

Re: Your Request for Advice  
Our File No. I-93-363

Dear Mr. Tsuboi:

You have requested advice concerning the campaign provisions of the Political Reform Act ("the Act").<sup>1/</sup> Because your question is of a general nature we have provided the following informal advice.<sup>2/</sup>

### QUESTION

Is a committee that is formed to support both a local ballot measure and a state ballot measure a primarily formed committee or a general purpose committee?

### CONCLUSION

Because the committee is formed to support ballot measures being voted upon in different jurisdictions, it will qualify as a general purpose committee.

### FACTS

One of your duties with the Secretary of State is to review Statements of Organization (Form 410). You received a Form 410 from a committee which indicated the committee was formed to support Measure P, a Santa Cruz county ballot measure, and Proposition 172, a state ballot measure. Both measures address the sales tax extension issue and will be voted upon on November 2, 1993.

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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.

ANALYSIS

Persons that receive \$1,000 or more in a calendar year for political purposes qualify as a committee. (Section 82013.) Within 10 days of qualifying as a committee, a Statement of Organization (Form 410) must be filed which, among other things, discloses the type of committee being formed. (Sections 84101 and 84102.)

Section 82047.5 defines a primarily formed committee as follows:

...a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following:

- (a) A single candidate.
- (b) A single measure.
- (c) A group of specific candidates being voted upon in the same city or county election.
- (d) Two or more measures being voted upon in the same city, county, or state election.

Section 82027.5 defines a general purpose committee as follows:

...any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5.

(b) A "state general purpose committee" is a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.

(c) A "county general purpose committee" is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

(d) A "city general purpose committee" is a committee to support or oppose candidates or measures voted on in only one city.

Since Measure P is a county ballot measure and Proposition 172 is a state ballot measure, we conclude that a committee formed to support these measures does not qualify as a primarily formed committee because the measures are being voted upon in different jurisdictions, not satisfying the requirement of Section 82047.5(d). Accordingly, the committee qualifies as a state general purpose committee. (Section 82027.5(b).)

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<sup>2/</sup> 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. Section 18329(c)(3).)

As a state general purpose committee, it will be required to file its original statements with the Secretary of State and copies with its county of domicile as well as the Registrar-Recorder of Los Angeles County and the Registrar of Voters of San Francisco.

In addition, special reports will be required if the committee makes independent expenditures in connection with either of the two measures. (Section 82031.) If the committee makes independent expenditures of \$500 or more in connection with either measure, it must file supplemental independent expenditure reports (Form 465). (Section 84203.5.) In addition, if the committee makes independent expenditures of \$1,000 or more during the 16 days prior to either election, it must file late independent expenditure reports. (Sections 82036.5 and 84204.) The filing officer for independent expenditure statements filed in connection with Proposition 172 will be the Secretary of State, the Registrar-Recorder of Los Angeles County and the Registrar of Voters of San Francisco. The Santa Cruz Registrar of Voters is the filing officer for such statements filed in connection with Measure P.

If you have questions concerning this letter, please contact me at (916) 322-5662.

Sincerely,



Lynda Cassady  
Assistant Division Chief  
Technical Assistance Division