



# California Fair Political Practices Commission

March 3, 1994

Jeanne Pritchard  
Remcho, Johansen & Purcell  
555 Capitol Mall, Suite 625  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-93-483

Dear Ms. Pritchard:

This is our reply to your request for advice concerning the proper identification of a sponsored committee currently named "Coalition for New Priorities (Sponsored by Organizations Representing Working Californians)." The committee has been operating for several months under this name. We do not advise concerning past conduct (see 8 Cal. Code Regs. § 18329(b)(8)); thus, we may not opine whether this name complies with the minimum legal requirements. We do offer, however, suggestions that we trust will lend guidance for the future.

Also, the Commission does not act as a finder of fact in its advice letters. (In re Oglesby (1975) 1 FPPC Ops. 71.) Our advice is based on the facts provided by you, as well as facts that would be proper subjects for judicial notice.

## QUESTIONS

1. Are the sponsors of the committee members of an industry or other identifiable group?
2. If so, what name or names would constitute a term identifying that industry or group?

## CONCLUSIONS

1. The sponsors are members of an identifiable group, because every sponsor is a recognized public employee labor organization that has the right to bargain for wages and working conditions for its particular membership.
2. The committee's name must include a term that will reveal the identity of the sponsoring group to a reasonable person exposed to the name.

## FACTS

You provided the following information to us in a letter received on December 28, 1993, in a supplemental letter received on January 14, 1994, and by telephone on February 4, 1994.

You are the treasurer for a committee named "Coalition for New Priorities (Sponsored by Organizations Representing Working Californians)." It is a "Sponsored Committee" as defined in Government Code Section 82048.7,<sup>1</sup> and it has more than one sponsor. The committee's sponsors are:

California State Employees Association

California Association of Highway Patrolmen

Professional Engineers in California Government

California Association of Professional Scientists

Association of California State Attorneys and Administrative Law Judges

California Department of Forestry Employees Association

California Association of Psychiatric Technicians

California State Council of Service Employees

Each of these entities is an employee labor organization that represents its members in labor negotiations and offers other benefits and services to these members. There are approximately 300,000 individuals represented by these organizations. Approximately 153,000 of these individuals work in local government, 78,000 in state government, and 69,000 in the private sector. They include race track workers, health care workers, clerical workers, home care aides, janitors, nursing home workers, optical technicians, school district employees, engineers, law enforcement officers, scientists, lawyers, judges, peace officers and psychiatric technicians.

#### ANALYSIS

Section 84101 requires organizations that qualify as committees (see Section 82013) to file a "statement of organization." A committee's statement of organization must include the name of the committee. Committees with more than one sponsor must reveal in their name the industry or group, if any, of which they are a part. Section 84102(a) provides:

"In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. Whenever a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term

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<sup>1</sup> Unless otherwise indicated, all citations are to sections of the Government Code.

identifying that industry or group shall be included in the name of the committee."<sup>2</sup>

The ostensible purpose for requiring the group identification of multiple committee sponsors is to inform the public of those persons or groups who control a committee's activities, particularly its expenditures. This serves an important goal of the Political Reform Act, set forth in Section 81002(a):

"Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited."

It is not in dispute that the committee at issue is sponsored and has more than one sponsor. Thus, the initial issue is whether multiple sponsors of the committee are members of an identifiable group. The group is comprised solely of employee labor organizations, also referred to as unions. Of the combined membership, 51 percent of the employees are local government employees, 26 percent are state government employees, and 23 percent are private sector employees. The sponsor is easily recognizable as a group of eight California public employee unions. The fact that some of the unions have members from the private sector does not change this conclusion.

The second and more difficult issue is determining what term would identify this particular group of labor organizations in a manner that would satisfy the requirements of the statute.<sup>3</sup> Generally, each modifying word added to a committee name will serve to narrow the possible sponsors and better reveal their true identity. For example, the name "Lawyers for Change" would tell the public very little about the membership of a committee. On the other hand, if the same committee used the name "Southern California Libertarian Immigration Lawyers Against Senator Smith," this would reveal much more to the public about the true nature of the group's membership.

Nevertheless, the statute does not require surgical precision. Rather, it mandates only that "a term identifying that ... group shall be included in the name ...." The word "term" is not defined in the statute; therefore, we must look to the dictionary for guidance.

"Term" means "[a] word or phrase; an expression; particularly one which possesses a fixed and known meaning in some science, art, or profession." (Black's Law Dictionary at p. 1639 (4th ed.

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<sup>2</sup> This requirement was added by the Legislature in 1985 and amended in 1986. (Stats. 1985, ch. 498; Stats. 1986, ch. 546.) The implementing regulation simply paraphrases the statutory language; thus, it does not provide any assistance in interpreting it. (See 2 Cal. Code Regs. § 18419(b).)

<sup>3</sup> We do not discuss the minimum requirements of the law; that is the province of private attorneys and our Enforcement Division.

rev'd).)<sup>4</sup> Thus, a term can be one word or more than one word. Commonly, it will have a meaning that is known by the average person and does not change over time.

For example, if the California Trial Lawyers sponsored a committee, it would not comply with the statute to state that the committee was sponsored by "Professionals Who Represent Injured Californians." This is because such words, while not false, are not a term that has a fixed and known meaning to the public. "California Trial Lawyers" is such a term. We interpret Section 84102(a) to require an identifiable group of "sponsors" to use a name that a reasonable person exposed to the name would recognize.

In the instant case, the description of the committee's sponsoring group as "Organizations Representing Working Californians" is somewhat descriptive and narrowing. The sponsors are organizations, not individuals. These organizations represent certain people, namely, those in the State of California who have jobs. The issue is whether the name is a "term" as that word is used in the context of the Act. Does it have a fixed and known meaning?

The most obvious characteristic shared by all of the organizations is that they are public employee unions. Therefore, to satisfy the sponsored committee name requirement of Section 84102(a), we believe that the committee's name must include a term indicating that the group is comprised of California public employee unions or associations.

As stated above, we may not comment concerning whether the current name complies with the statute. We can say, however, that broad, amorphous references to the sponsoring entities that the average person would not recognize will not be a "term" that complies with the statutory mandate.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Steven G. Churchwell  
General Counsel

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<sup>4</sup> Another definition is "[a] word or expression used to express or designate some fixed or definite thing; a word having a limited and specific meaning, naming and characterizing some particular object, quality, state or the like; ...." (Funk & Wagnall's New "Standard" Dictionary at p. 2486.)