



California Fair Political Practices Commission

August 11, 1994

Donald Morrison
Elections Assistant
County of Sacramento
Voter Registration & Elections
3700 Branch Center Road
Sacramento, CA 95827

Re: Your Request for Informal
Assistance
Our File No. I-94-234

Dear Mr. Morrison:

You have requested advice concerning the campaign provisions of the Political Reform Act (the "Act").^{1/} Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c).^{2/}

Question

What are the campaign disclosure filing requirements for elected members of the Galt Union Elementary School Board who have an option of receiving a salary of \$200 per month or receiving a health benefit package with value of more than \$100 per month?

Conclusion

Members who select to take advantage of the health benefit package in lieu of the \$200 per month salary are required to file semi-annual statements. Pre-election campaign statements and additional special reports may also be required when elected officers are involved in an election.

Facts

Members of the Galt Joint Union Elementary School Board have two choices of payment for attending the district board meetings. They are entitled to receive a salary of \$200 per month or, in

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.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

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lieu of salary, they may receive a health benefit package with a value of more than \$100 per month.

Analysis

Elected board members have an obligation to file semi-annual campaign statements as officeholders, unless their salary is less than \$100 per month. (Section 84200.) Officeholders who receive salaries less than \$100 per month are required to file semi-annual statements only if they have received contributions or made expenditures (including contributions and expenditures from personal funds) during the six-month period covered by the semi-annual statement. (Section 84200(a)(2).)

Your board members may choose, on an individual basis, to accept compensation, other than salary, of more than \$100 per month. Because these health benefits are in-lieu of the salary and total more than \$100, we must conclude that board members choosing the health package are not covered by the exception provided in Section 84200(a)(2).

If you have additional questions, please contact me at 916/322-5662.

Sincerely,



Mary Ann Kvasager
Political Reform Consultant