

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

May 2, 1996

Rachel Clark  
City Clerk  
300 North D Street  
San Bernardino, CA 92418-0001

Re: Your Request for Informal  
Assistance  
Our File No. I-96-70

Dear Ms. Clark:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because your letter asks a general question, we consider it to be a request for informal assistance pursuant to Regulation 18329(c).<sup>2/</sup> Nothing in this letter should be construed to comment on any conduct which has already occurred in this matter.

**QUESTION**

Is a committee subject to late fines when its campaign statement, Form 420, has been filed by the filing deadline and has been verified by an individual not listed as treasurer on the committee's Statement of Organization, Form 410?

**CONCLUSION**

A filing officer may not impose fines on a statement which has been signed and verified by an individual acting as a representative of the committee's treasurer and filed by the filing deadline.

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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. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

### FACTS

You have received several campaign disclosure statements filed by the committee Business for Better Government which have been signed and verified by persons not listed as the committee's treasurer on its Statement of Organization, Form 410. You also point out in your letter that different persons have signed as the responsible officer for the committee, yet these individuals are not listed as principal officers on the Statement of Organization. In addition, you have not received an amended Form 410 from this committee reflecting a change in treasurer.

### ANALYSIS

Section 81004(a) states that all reports and statements filed under the Act be signed under penalty of perjury and verified by the filer. Section 81004(b) states that a recipient committee's campaign statement must be signed and verified by the committee's treasurer. The Act does not address the issue of assessing late fines when someone other than the committee's treasurer signs and verifies the committee's campaign statement.

The Commission has provided advice that when a committee's treasurer is unavailable at the time the statement is due, another representative of the committee (e.g., principal officer, campaign worker) may sign the statement on behalf of the treasurer. This advice is based on the conclusion reached in an opinion issued by the Commission which states when a candidate's controlled committee submits a form signed by only the treasurer or candidate, the form is considered filed and is not subject to late fines. The opinion further concludes that an unsigned form is not a completed form and late filing fees should be assessed. (In re Layton, 1 FPPC 113.) (Emphasis added.) However, the treasurer must file an amendment, Form 405, and attach a Form 420 cover page to provide his or her signature on the verification. (Information Manual on Campaign Provisions of the Political Reform Act, Manual C, page 77.)

When there is a change in treasurer, the committee's Statement of Organization (Form 410) must be amended to reflect the change and the new treasurer must sign and verify the committee's statements. (Section 84103.)

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Disclosure statements filed by a "sponsored committee" may, under certain circumstances, require the signature and verification of a responsible officer in addition to the committee treasurer. (Regulation 18419.) The term "responsible officer" is not defined in either the Act or regulations. It is the organization's responsibility to determine who in its organization has the authority to sign statements on behalf of the sponsor of the committee. The term "sponsored committee" is defined in Section 82048.7.

In addition, the Statement of Organization requires, in part, that the full name, street address and telephone number, if any, of other principal officers be disclosed. (Section 84102.) The term "principal officers" is not defined in either the Act or regulations. An organization's own bylaws or other internal policies determine the necessity for establishing officers within its organizational makeup. However, principal officers are not required to sign and verify campaign statements.

If you have any further questions concerning this matter, please contact me at 916/322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel

  
By: Mary Ann Kvasager  
Political Reform Consultant