

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION
April 15, 1996

Virginia Boyd, Treasurer
Alliance to Revitalize California
P. O. Box 7004
Menlo Park, CA 94025

Re: Your Request for Informal
Assistance
Our File No. I-96-085

Dear Ms. Boyd:

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

QUESTION

What are the filing requirements for a committee formed to support three state ballot measures in the March 26, 1996, Primary Election that subsequently begins to collect signatures to place a state ballot measure on the ballot for the November 5, 1996, General Election?

DISCUSSION

The Alliance to Revitalize California was formed for the purpose of sponsoring three state ballot measures that were voted upon in the March 26, 1996, Primary Election. It was therefore classified as a "primarily formed" committee. Prior to the election, the committee began seeking to qualify a state ballot measure to be placed on the ballot in the November 5, 1996, General Election. You have asked whether this changes the committee's status or filing requirements.

^{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).)

Ms. Boyd
Our File No. 96-085
Page Two

The campaign disclosure provisions of the Act require "committees" to file periodic reports disclosing contributions received and expenditures made. (Section 84100, et seq.) The term "committee" includes a person or organization that receives contributions totaling \$1,000 or more in a calendar year. (Section 82013(a).)

A "primarily formed committee" is defined as a committee 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, county or multicounty election.
- (d) Two or more measures being voted upon in the same city, county, multicounty, or state election. (Section 82047.5.)

A "general purpose committee" is defined as a 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. Additionally, 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. (Section 82027.5.)

Once the Alliance to Revitalize California began gathering signatures to qualify a measure for the November 5, 1996 General Election, it ceased to be a primarily formed committee. It now falls within the definition of a "state general purpose committee." Therefore, the committee must amend its Statement of Organization (Form 410) to indicate the new status of the committee. Once the committee is no longer receiving contributions or making expenditures in connection with the March 26, 1996, election, the committee may amend the Statement of Organization to indicate it is primarily formed for the November 5, 1996, General Election. (Section 84103.)

A state general purpose ballot measure committee is required to file a pre-election statement (Form 419) if the committee makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the pre-election statement. (Section 84200.5(d).)

In addition, special reports are required to be filed if the committee makes independent expenditures in connection with either of the two measures.

Ms. Boyd
Our File No. 96-085
Page Three

An "independent expenditure" is defined as an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee. (Section 82031.)

A "late independent expenditure" is defined as any independent expenditure which totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in such election. (Section 82036.5.)

Therefore, if the committee makes independent expenditures totaling \$500 or more in a calendar year to support or oppose a measure or qualification of a measure, the committee is required to file independent expenditure reports (Form 465) at the same time, covering the same periods, and in the same places where the committee would be required to file campaign statements as if it were formed or existing primarily to support or oppose the measure or qualification of the measure. (Section 84203.5.) During our telephone conversation on February 27, 1996, I clarified that a separate independent expenditure report is required for each measure.

In addition, a committee that makes a late independent expenditure is required to report the late independent expenditure by facsimile transmission, telegram, guaranteed overnight mail or personal delivery within 24 hours of the time it is made in the same places where the committee would be required to file campaign statements as if it were formed or existing primarily to support or oppose the measure or qualification of the measure. (Section 84204.)

The committee is also required to file a semi-annual statement (Form 419) covering the day after the closing date for the last statement filed through June 30, 1996, no later than July 31, 1996. (Section 84200.)

Ms. Boyd
Our File No. 96-085
Page Four

If you have any questions concerning this letter, please
contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel

by: Dixie Howard
Political Reform Consultant