



FAIR POLITICAL PRACTICES COMMISSION

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February 24, 1998

Poppy DeMarco Dennis
4690 North Lane
Del Mar, California 92014

**Re: Your Request for Advice
Our File No. A-98-042**

Dear Ms. Dennis:

This letter is in response to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹

QUESTION

As a potential candidate and member of a religious organization, if you request other members to sign a nominating petition during regularly scheduled social hours on property owned by the organization, have you received a nonmonetary contribution from the organization?

CONCLUSION

Under the facts provided in your letter, you have not received a reportable contribution.

FACTS

You intend to run for one of six seats on the Democratic Central Committee. In order to qualify to be on the ballot, you must submit a nominating petition with 40 signatures; at least 20 signatures must be from valid registered voters in your district. You belong to the San Dieguito Fellowship. Every Sunday after church services, the fellowship holds a program for members and their guests on church property. Recently, you attended a fellowship function with your grandson. After the program, people gathered on the patio for coffee and cookies. Expenses for

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

the coffee time are part of the regular church budget. During this conversation and hospitality period, you gathered six signatures for your nominating petition. Your signature gathering was not officially sanctioned by the church or the fellowship.

You are contemplating asking the church's social responsibility committee to post a sign at its regular table informing members and guests of the filing period for local elected offices. In addition, you might request the committee to designate an area where candidates can collect signatures from members and guests.

ANALYSIS

The Act requires candidates who receive or spend more than \$1,000 to file campaign statements disclosing contributions received by the candidate. (Sections 84200, 84201, 84203, 84206, 84211.) A "candidate" is defined, in pertinent part, as an individual who receives a contribution or makes an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. (Section 82007.)

A "contribution" is defined as a payment made for political purposes for which full and adequate consideration is not received. (Section 82015(a); Regulation 18215(a).) A "payment" includes the rendering of money, property, services, or anything else of value, whether tangible or intangible. (Section 82044.) Therefore, the term contribution refers to both monetary and nonmonetary payments made for political purposes. A payment is made for "political purposes" if it is made for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a particular candidate or candidates; or if it is received by or made at the behest of a candidate. (Regulation 18215(a), copy enclosed.)

As a potential candidate for the Democratic County Central Committee, you collected signatures for your nominating petition at a regularly scheduled fellowship function which took place on church property. You would like to know whether this activity resulted in a reportable nonmonetary contribution to you from the church.

Regulation 18215, which interprets the definition of contribution, provides that the term "contribution" does not include a payment made by a bona fide service, social, business, trade union or professional organization or group for reasonable overhead expenses associated with the organization's regularly scheduled meeting at which a candidate speaks, if the organization pays no additional costs in connection with the speaker's attendance. (Regulation 18215(c)(13).) We conclude that your facts fit within this exception to the definition of contribution. Although you did not give a speech, you did attend a regularly scheduled event at which you gathered signatures to support your candidacy and the church did not pay any additional costs in connection with the event. Therefore, you do not have reporting obligations as a result of this activity.

You are contemplating asking the church's social responsibility committee to post a sign at their regular table informing members and guests of the filing period for local elected offices. In addition, you might request the committee to designate an area within the church for candidates to collect signatures from members of the church. You would like to know if the church conducts these activities, whether a nonmonetary contribution to you will result.

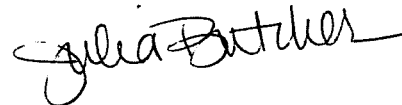
A payment is made for political purposes, and is therefore a contribution, if it is received by or made at the behest of a candidate. (Section 82015(b)(2); Regulation 18215(a)(2).) We have advised that providing a table for a candidate's campaign literature is a contribution to the candidate. (*Deatherage* Advice Letter, No. I-88-477.) In addition, a payment is "made at the behest of a candidate" if it is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request of or suggestion of, or with the express, prior consent of the candidate. (Regulation 18225.7.) However, the term "contribution" does not include a payment for a debate or other forum sponsored by a nonpartisan organization in which at least two candidates appearing on the ballot for the same elective office are invited to participate. (Regulation 18215(c)(10).)

Please note that section 82015 which defines the term "contribution" was recently amended by the Legislature. An amended provision of section 82015 deals with payments made by nonprofit organizations at the behest of candidates. It is anticipated that the Commission will be promulgating regulations to interpret the amended version of section 82015.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Julia Butcher
Staff Counsel, Legal Division

SGC:JB:tls