



FAIR POLITICAL PRACTICES COMMISSION

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December 16, 1999

Stephen Kaufman
Smith Kaufman LLP
601 S. Figueroa Street, 23rd Floor
Los Angeles, CA 90017-5704

**Re: Your Request for Advice
Our File No. A-99-305**

Dear Mr. Kaufman:

You have requested advice on behalf of Assemblymember Nell Soto, the Soto for Senate Committee, and the Soto for Assembly Committee concerning the campaign disclosure provisions of the Political Reform Act (the "Act").¹

QUESTION

What are the campaign filing deadlines for the Soto for Assembly Committee and the Soto for Senate Committee in connection with the January 11, 2000, special election to fill the vacancy in the 32nd Senate District, the March 7, 2000, special runoff election, and the March 7, 2000, statewide direct primary election?

CONCLUSION

Both of Assemblymember Soto's campaign committees must file campaign statements in connection with the January 11, 2000, special election. Thereafter, the committees' filing obligations will depend on whether she is successful in the special election and whether she will appear on the ballot in a special runoff election on March 7, 2000. These issues are discussed in detail below.

¹ California Government Code sections 81000-91015. Commission regulations appear at title 2, sections 18109-18996, of the California Code of Regulations.

FACTS

Assemblymember Soto is a candidate for the 32nd Senate District in a special election scheduled for January 11, 2000. If necessary, a runoff election will be held on March 7, 2000, the same day as the statewide direct primary election. Ms. Soto has formed a separate committee, Soto for Senate (the "Senate committee") for this election. She also controls a committee formed to support her 1998 election to the 61st Assembly District, the Nell Soto for Assembly Committee (the "Assembly committee"). Assemblymember Soto will not appear on the March 7, 2000, ballot as a candidate for the Assembly.

ANALYSIS

The Act requires officeholders, candidates, and their controlled committees to file periodic reports disclosing contributions received and expenditures made for the purpose of seeking or holding office. Both the Senate committee and the Assembly committee are controlled committees of Assemblymember Soto and, therefore, must file campaign reports whenever she, as a candidate or officeholder, must file reports.² (Sections 84200 and 84200.5; *Barrett* Advice Letter, No. A-88-150.) Because she is both an elected state officer and a candidate in the special election, Assemblymember Soto's committees could be subject to four pre-election and two semi-annual filing requirements from December 1, 1999, through July 31, 2000. However, pursuant to section 84205, the Commission may combine campaign reports required under the Act. Therefore, the following reports should be filed by both committees in connection with the special and special runoff elections:

Special Election

	<u>Report Due</u>
First Pre-election Report (1/1/99 ³ -11/27/99)	12/2/99
Second Pre-election Report (11/28/99-12/25/99)	12/30/99
Late Contribution Reports (12/26/99-1/10/00)	24 Hours

Special Runoff Election

Pre-runoff Election Report (12/26/99-2/19/00)	2/24/00
Late Contribution Reports (2/20/00-3/6/00)	24 Hours

² The term "committee" is defined in section 82013, and includes a person or combination of persons that receives contributions totaling \$1,000 in a calendar year. (Section 82013(a).) A "controlled" committee is one that is controlled directly or indirectly by a candidate. (Section 82016.)

³ The period covered by any statement begins on the day after the closing date of the last campaign statement filed or January 1, if no previous statement has been filed. (Section 82046.)

If there is no special runoff election, or Assemblymember Soto is unsuccessful in the special election on January 11, 2000, both of the committees will become subject to the requirements for filing pre-election reports in connection with the statewide direct primary by elected state officers who are not being voted upon in that election. (Section 84200.5(a) as amended by stats. 1999, Ch. 855.) The following statements are required if, during the period covered by the report, either committee makes a contribution to another candidate or committee:

<u>Report</u>	<u>Report Due</u>
First Pre-election Report (12/26/99-1/22/00)	1/27/00
Second Pre-election Report (1/23/00-2/19/00)	2/24/00

In any event, a semi-annual statement will be due on July 31, 2000, covering the day after the closing date of the last pre-election report due, through June 30, 2000.

Although you have not requested advice concerning electronic filing of campaign reports, it should be noted that beginning with the first pre-election report in connection with the March 7, 2000, election, candidates and committees filing reports with the Secretary of State must file electronically as well as on paper. The triggering threshold is \$100,000 in receipts or \$100,000 in expenditures calculated from January 1, 1999. If Assemblymember Soto will appear on the March 7, 2000, special runoff election ballot, the Senate and Assembly committees' first electronic report will be due on February 24, 2000, if their combined receipts or combined expenditures equal \$100,000 or more. If she will not appear on the March 7, 2000, ballot, the committees' first electronic filing requirement may occur on January 27 or February 24, 2000, if either of those reports is triggered, or July 31, 2000. (Section 84603, as amended by stats. 1999, Ch. 433.)

If you have questions concerning this letter, please do not hesitate to contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
Assistant General Counsel

Carla Wardlow
By: Carla Wardlow
Division Chief
Technical Assistance Division