



## FAIR POLITICAL PRACTICES COMMISSION

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February 3, 2000

Phyllis Grammar, Treasurer  
Democratic Party of Contra Costa  
1304 Willow Street  
Martinez, CA 94553

**Re: Your Request for Advice  
Our File No. A-00-016**

Dear Ms. Grammar:

This letter is a response to your request for advice on behalf of the Democratic Party of Contra Costa ("DPCC") regarding the campaign provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTION

Is DPCC required to report dues payments received and all payments made on its campaign reporting statement?

### CONCLUSION

It does not appear from the information you have provided that DPCC qualifies as a recipient committee. If this is the case, the organization does not have any reporting or recordkeeping requirements. Your letter does not provide enough information for us to determine whether, in the future, you will be required to itemize normal dues and fundraising activities. However, if you continue to file reports, you should do so at least semi-annually. In addition, depending upon your level of activity, you may have additional reporting obligations. Please see Information Manual C for more information.

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

## FACTS

DPCC raises funds through dues and other fundraising activities primarily to pay for partisan voter registration efforts, rent, utilities, and costs associated with fundraising. DPCC does not contribute to candidates or other committees, nor make payments for partisan voter registration, which together total \$1,000 in a calendar year. Costs associated with partisan voter registration include booth rental and purchase of voter registration lists.

## ANALYSIS

A "committee" is defined in Section 82013 as:

"Any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.
- (b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year.
- (c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees."

A "contribution" is defined in Section 82015 as:

"A payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes...."

In order for DPCC to receive contributions, the payments received must be made for political purposes, i.e. for making contributions to candidates or other committees or making independent expenditures<sup>2</sup> in support of or opposition to candidates or ballot measures. Another "political purpose" is conducting partisan voter registration. (*In re Welsh* (1978) 4 FPPC 78.)

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<sup>2</sup>An "independent expenditure means 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.)

If DPCC does not receive contributions totaling \$1,000 or more in a calendar year for the purpose of making contributions, independent expenditures, or payments for partisan voter registration, the organization does not qualify as a committee. You may file another Form 410, checking the termination box. You will have no further reporting obligations unless your organization meets the \$1,000 threshold in a calendar year.

If you choose to continue reporting even though your organization has not qualified as a committee, your campaign statements are due on July 31 and January 31 for the filing periods January 1 through June 30 and July 1 through December 31, respectively. In addition, if your organization does qualify as a committee, depending upon its level of activity, it may have additional reporting obligations.

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

Sincerely,

Luisa Menchaca  
Assistant General Counsel

By:   
Kevin S. Moen  
Political Reform Consultant