



FAIR POLITICAL PRACTICES COMMISSION

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July 11, 2002

Cynthia A. Trujillo, CMC
Office of the City Clerk
City of San Gabriel
P. O. Box 130
San Gabriel, CA 91778-0130

**Re: Your Request for Informal Assistance
Our File No. I-02-177**

Dear Ms. Trujillo:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹ Since you are not requesting advice on the duties of a specific public official, we are treating your request as one for informal assistance pursuant to regulation 18329(c).²

QUESTION

The City of San Gabriel is holding a ballot measure election on August 27, 2002. The election is for the purpose of establishing a utility users tax and the ballot designation is Measure A. Since the first pre-election statement filing deadline falls on July 18, 2002, prior to the deadline for filing the semi-annual statement due July 31, 2002, may committees formed to support or oppose this measure combine the semi-annual statement with the first pre-election statement?

CONCLUSION

Yes. Committees formed for the purpose of supporting or opposing the August 27, 2002, measure may combine the semi-annual statement with the first pre-election statement. This

¹ Government Code Section 81000-91014. Commission regulations appear at Title 2, sections 18109-18997, 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), copy enclosed.)

combined statement must be filed no later than July 18, 2002, the deadline for the first pre-election statement.

ANALYSIS

Committees formed to support or oppose a ballot measure are required to file two campaign statements disclosing contributions received and expenditures made in connection with that election. These pre-election campaign statements are generally filed 40 days before the election and again 12 days before the election. (Section 84200.8.) Additionally, ballot measure committees must file quarterly statements and semi-annual statements. Semi-annual statements are filed January 31 and July 31, respectively. (Section 84200.)

The City of San Gabriel is holding an election on August 27, 2002. The first semi-annual report for 2002, covering the period January 1 through June 30, is due on July 31, 2002. The first pre-election statement filed in connection with this election would then cover the period July 1 through July 13, and would be due on July 18, 2002, before the deadline for the semi-annual statement. The second pre-election statement is due August 15, 2002, and covers the reporting period July 14 through August 10.

There is a mechanism in the Act which permits the combining of statements when an overlapping reporting period occurs or the filing of the semi-annual statement would be an additional, unnecessary filing to the two pre-election statements. (Section 84205.) It appears that combining the first pre-election statement with the semi-annual statement would be appropriate for the city's August 27 election.

Accordingly, committees formed to support or oppose the August 27, 2002, ballot measure may combine the semi-annual statement with the first pre-election statement. The date for filing this combined statement is July 18, 2002, the date the first pre-election statement is due. A campaign statement filing schedule that outlines the due dates for filing statements is enclosed for your convenience.

You also asked that a permanent policy be established combining statements filed in connection with the city's regular elections, which are held in March of odd-numbered years. Presumably, the result is similar to the situation addressed here, where the January 31 filing deadline for the semi-annual statement due before the election falls after the deadline for the first pre-election statement. Because the cumulation period for contributions and expenditures is based on a calendar year, requiring candidates and committees to begin a new cumulation period on January 1, we do not recommend combining the semi-annual and first pre-election statements in this case. (See section 82018.) However, the city may want to consider enacting a local rule requiring that the semi-annual statement be filed earlier than January 31.³ Under sections

³ For example, sections 84200.3 and 84200.4 require the semi-annual statement due prior to the March statewide primary election to be filed by January 10, rather than January 31.

81009.5 and 81013, a local jurisdiction may impose disclosure requirements additional to or different from those set out in the Act as long as they are imposed on candidates and committees active only in that jurisdiction and they do not prevent candidates and committees from complying with the Act.

If I may be of any further assistance, please do not hesitate to contact me at (866) 275-3772.

Sincerely,

Luisa Menchaca
General Counsel



By: Carla Wardlow
Division Chief
Technical Assistance Division

Enclosures