



## FAIR POLITICAL PRACTICES COMMISSION

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July 17, 2003

Virginia J. Bloom  
Election Services Coordinator  
Office of the County Clerk and Recorder  
800 South Victoria Avenue  
Ventura, CA 93009-1200

**Re: Your Request for Informal Assistance  
Our File No. I-03-135**

Dear Ms. Bloom:

You have requested advice concerning the duties of the Ventura County Elections Division (the "County") under the campaign provisions of the Political Reform Act (the "Act").<sup>1</sup> Since your request seeks general guidance, we are treating it as a request for informal assistance.<sup>2</sup>

### QUESTIONS

1. Does the County have the authority to request amendments to campaign disclosure reports filed by a committee for elective state office controlled by a County of Ventura officeholder?
2. How far back may a reviewing agency request amendments to campaign disclosure statements?

### CONCLUSIONS

1. Yes, as the filing officer for originally filed campaign statements, the County is required to review the statements and request amendments for missing information.
2. The Act does not specify a time limit on amending reports.

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<sup>1</sup> Government Code sections 81000-91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; regulation 18329(c)(3), copy enclosed.)

## FACTS

A county officeholder ran for state elective office in 2000. As required under the Act, the officeholder's controlled committee for the state office filed original campaign disclosure reports with the County as well as with the Secretary of State.

## ANALYSIS

The Act requires candidates to file periodic reports disclosing contributions received and expenditures made for the purpose of seeking elective office. (Section 84100, et seq.) Under section 84215, elected state officeholders and candidates for state elective office file the original<sup>3</sup> and one copy of their campaign disclosure reports with the Secretary of State, and file copies with specified county filing officers. County officeholders and candidates for county office file the original and one copy of their campaign disclosure reports with the county filing officer. (Section 84215(d).)

All committees controlled by an officeholder or candidate must file original campaign disclosure reports in each location the officeholder or candidate is required to file. (*Barrett* Advice Letter, Nos. A-88-150 and A-88-168.) In the circumstances described in your letter, all of the county officeholder/state candidate's controlled committees must file original campaign disclosure statements with the County of Ventura as well as with the Secretary of State.

### Filing Officer Duties

Section 81010 specifies the duties of filing officers:

“With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission;
- (b) *Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;*
- (c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;
- (d) Report apparent violations of this title to the appropriate agencies; and
- (e) Compile and maintain a current list of all reports and statements filed with this office.” (Emphasis added.)

Regulation 18110 (copy enclosed) further describes the duties of filing officers with regard to campaign disclosure statements and sets out specific information the filing

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<sup>3</sup> Under section 81004, original reports and statements filed under the Act must be signed under penalty of perjury and verified by the filer.

officer must look for on original statements filed with him or her.<sup>4</sup> As the filing officer for original campaign disclosure statements filed by Ventura County officeholders, you are required to perform a detailed review and request needed amendments for all statements filed by the officeholders and any of their controlled committees, including a controlled committee for state office.

Please note, however, that subdivision (c)(3) of regulation 18110 does allow the filing officer some discretion in requesting amendments:

“In those cases where the filing officer discovers in his or her review of campaign statements that a candidate or committee has filed an incorrect, incomplete or illegible campaign statement ... he or she shall promptly notify the candidate or committee of the error or omission. However, no notification is required in those cases in which the errors or omissions are minor ones which do not recur throughout the campaign statement. An error or omission is minor if it does not result in omission of the amount of an individual contribution or expenditure ....”

#### Amendments

Nothing in the Act or Commission regulations specifically limits the time in which a filing officer can request amendments. Section 81004.5 states that reports and statements filed under the Act may be amended at any time and that amending an incorrect or incomplete filing may be considered as evidence of good faith. Termination of a committee does not exempt it from review or the requirement to file amendments if information is missing or incomplete. Generally, a filing officer may request amendments through the applicable retention period as specified in section 81009.

I trust this letter adequately addresses your concerns. Please contact me at 866-275-3772 if you have additional questions.

Sincerely,

Luisa Menchaca  
General Counsel



By: Carla Wardlow  
Division Chief  
Technical Assistance Division

LM:CW  
Enclosures

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<sup>4</sup> Where original statements are filed elsewhere, the regulation does not require the filing officer to review copies of campaign statements filed with him or her, but also does not prohibit the filing officer from performing a detailed review and requesting amendments. (Regulation 18110(b)(1)(C).)