



FAIR POLITICAL PRACTICES COMMISSION

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December 6, 2004

Linda A. Troyan, CMC
City of Santee
10601 Magnolia Avenue
Santee, CA 92071

**Re: Your Request for Advice
Our File No. A-04-251**

Dear Ms. Troyan:

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

QUESTION

The City of Santee is holding a special election on February 15, 2005. May the first pre-election campaign statement in connection with the election be combined with the semi-annual statement covering the period through December 31, 2004?

CONCLUSION

Candidates and committees involved in the February 15 election may file a combined statement that will satisfy the requirement to file the semi-annual statement covering the period through December 31, 2004, and the first pre-election statement covering the period through January 1, 2005. A filing schedule containing the filing deadlines and periods covered is enclosed with this letter.

FACTS

The City of Santee is holding a special election on February 15, 2005. The first pre-election campaign disclosure statement in connection with the election is due on January 6, 2005, with a closing date of January 1, 2005. The semi-annual statement for the last half of 2004 is due on January 31, 2005, with a closing date of December 31, 2004.

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

ANALYSIS

During an election, candidates and committees involved in the election 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.) Semi-annual statements are filed January 31 and July 31, respectively. (Section 84200.)

There is a mechanism in the Act that 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.) In most cases, however, pre-election filings are not combined with the semi-annual statement covering through December 31. This is because section 82018(a) provides that the "cumulative amount" of contributions received and expenditures made by candidates and committees is calculated on a calendar year basis (January 1 through December 31). Section 82018 also provides that the cumulative amount of contributions received and expenditures made can be calculated over more than one calendar year under specified circumstances, such as when a pre-election statement is filed in one calendar year for an election held in the following calendar year. (Section 82018(b).) That is not the case here.

However, if the semi-annual and first pre-election statements are not combined, the semi-annual statement, covering the period through December 31, 2004, will be filed on January 31, 2005, more than three weeks after the deadline for the first pre-election statement, and the first pre-election filing, due on January 6, 2005, will cover a single day, January 1, 2005. Therefore, candidates and committees involved in the February 15, 2005, election may combine the two filings. A campaign statement filing schedule which outlines the due dates for filing statements is enclosed for your convenience. Contributions received and expenditures made will be cumulated on a calendar year basis, January 1, 2004 through December 31, 2004, and January 1, 2005 through December 31, 2005.

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

Chief, Technical Assistance Division

CW:jg

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Enclosure