



## FAIR POLITICAL PRACTICES COMMISSION

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November 20, 2006

Charlene D. Cruz  
Acting Section Head  
Campaign Finance Disclosure Section  
Los Angeles County Registrar-Recorder/County Clerk  
12400 Imperial Hwy., Room 2003  
Norwalk, CA 90640

**RE: Your Request for Informal Assistance**  
**Our File No. I-06-201**

Dear Ms. Cruz:

This letter is in response to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").<sup>1</sup> Because your letter requests general advice pertaining to campaign reporting we are providing informal assistance.<sup>2</sup>

### QUESTIONS

1. May the Campaign Finance Disclosure Section of the Los Angeles County Register-Recorder/County Clerk's Office require candidates for county-wide office and county supervisor, and their controlled committees, to report contributions received per contributor *per election* on Schedule A of Form 460?
2. May the Campaign Finance Disclosure Section require candidates for county-wide office and county supervisor, and their controlled committees, to itemize multiple accrued expenses owed to a single vendor when reporting accrued expenses?

### CONCLUSIONS

1. While requiring candidates for county-wide office and county supervisor, and their controlled committees, to report contributions received per contributor *per election* is not prohibited by the Act and within the discretion of the county, we express no opinion as to whether this requirement is supported by the local ordinance.

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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).)

2. While requiring candidates for county-wide office and county supervisor, and their controlled committees, to itemize multiple accrued expenses owed to a single vendor when reporting accrued expenses is not prohibited by the Act and within the discretion of the county, we express no opinion as to whether this requirement is supported by the local ordinance.

### FACTS

The County of Los Angeles has an ordinance which sets a timeframe on soliciting and receiving contributions. The timeframe is 18 months prior to the primary election for candidates for the board of supervisors and 15 months prior to the primary election for candidates for assessor, district attorney, and sheriff. Additionally, the county ordinance imposes a \$1,000 limit on contributions per contributor *per election*.

The Campaign Finance Disclosure Section is required to closely review/audit these campaign reports to ensure that these controlled committees are in compliance with state and county laws. To ensure compliance with the local ordinance, the Campaign Finance Disclosure Section, requests that candidates for county-wide office and county supervisor, and their controlled committees, report contributions received per contributor *per election* on Schedule A of Form 460. The Campaign Finance Disclosure Section is also considering requesting that candidates for county-wide office and county supervisor, and their controlled committees, itemize multiple accrued expenses owed to a single vendor when reporting accrued expenses.

### ANALYSIS

State law governing campaign finances provides some deference to local governments under the Act. Section 81013 of the act provides:

“Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title.”

In the specific context of filing obligations, section 81009.5 of the Act allows local governments to enact ordinances with additional or different filing requirements as long as the requirements only apply to the candidates or committees in the jurisdiction and the additional or different filing requirements do not prevent compliance with the Act.

Turning to the Act's provisions, only candidates for state offices and committees accepting contributions for the purposes of making contributions to candidates for elective state office are subject to contribution limits under the Act. (See sections 85301-85303.) Moreover, when reporting cumulative amounts of contributions for state

elections and state recipient committees, the cumulative total(s) of contributions received or made must be reported for *each election*. (Regulation 18421.4.)

Pursuant to these provisions, Form 460 provides the following guidance in the instruction to Schedule A:

“Candidates subject to state contributions limits (or if required by local ordinance) must disclose the cumulative amount received from each contributor during the limitation cycle in addition to the calendar year cumulative amount.”

These contributions are reported on Schedule A in the column entitled “per election to date (if required).” There are similar reporting requirements found on Schedule B for loans received; Schedule C for nonmonetary contributions received; Schedule D for expenditures supporting/opposing other candidates, measures, and committees; and Schedule H for loans made to others.

From the facts you have provided, the County of Los Angeles has a local ordinance setting the timeframe on soliciting and receiving contributions for candidates for county-wide office and county supervisor. Additionally, the county ordinance imposes a \$1,000 limit on contributions per contributor *per election* to these candidates. Specifically, you have asked whether the county can require candidates for county-wide office and county supervisor, and their control committees, to report contributions from each contributor *per election* if this requirement has not been expressly provided by the local county ordinance.

In answer to your question, we must note that the interpretation of the local ordinance is outside the purview of the Act. Accordingly, we cannot opine as to the requirements imposed upon the candidates for county-wide office or county supervisor, and their controlled committees, by the local ordinance and we refer you instead to your county counsel for any advice pertaining to the requirements of the local ordinance.

Within the confines of the Act, we can conclude that requiring candidates or committees within the county’s jurisdiction to report contributions per contributor *per election* would not conflict with the Act, as the requirement would not prevent officials from complying with the Act’s reporting provisions.<sup>3</sup> Pursuant to sections 81013 and 81009.5, the Act does not prevent Los Angeles County from imposing this requirement upon candidates for county-wide office and county supervisor. However, we caution that while this requirement is not prohibited by the Act, we express no opinion as to whether the local ordinance supports this requirement.

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<sup>3</sup> This conclusion is supported by Form 460, which instructs candidates to report contributions received; loans received; nonmonetary contributions received; expenditures supporting/opposing other candidates, measures, and committees; and loans made by others “if required by local ordinance.”

Additionally, you ask whether you may require candidates for county-wide office and county supervisor (and their controlled committees) to itemize accrued expenditures. The Act provides the following in section 84211(k)(6):

“For purposes of subdivisions (i),(j), and (k) [the Act’s provisions pertaining to the reporting of expenditures] only, the terms ‘expenditure’ or ‘expenditures’ mean any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.”

In the *White Advice Letter*, No. I-00-039, we analyzed whether section 84211 permits filers to report multiple expenditures from the same vendor in a single record or whether a filer must itemize multiple expenditures from the same vendor. Recognizing advantages to both methods of reporting expenditures, we concluded the following:

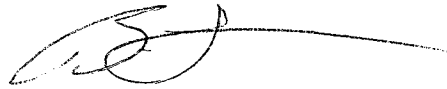
“Filers ... may either report accrued expenses on Schedule F cumulatively by vendor, or itemize multiple accrued expenses owed to one vendor as separate entries, reporting on a transaction-by-transaction basis. Either method is acceptable.”

In answer to your second question, we can only conclude that the Act does not require filers to itemize multiple accrued expenses owed to a single vendor. Similarly to Los Angeles County imposing the requirement that candidates or committees within the county’s jurisdiction must report contributions per contributor *per election*, requiring candidates or committees within the county’s jurisdiction to itemize multiple accrued expenses owed to a single vendor would not conflict with the Act, as the requirement would not prevent officials from complying with the Act’s reporting provisions. Pursuant to sections 81013 and 81009.5, the Act does not prevent Los Angeles County from imposing this requirement upon candidates for county-wide office and county supervisor. However, we again caution that while this requirement is not prohibited by the Act we express no opinion as to whether the local ordinance supports this requirement. Accordingly, you should refer any questions pertaining to the interpretation of the local ordinance to your county counsel.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
General Counsel

A handwritten signature in black ink, appearing to be 'B. Lau', with a long horizontal line extending to the right.

By: Brian G. Lau  
Counsel, Legal Division

BGL:meh  
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