



## FAIR POLITICAL PRACTICES COMMISSION

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December 5, 2006

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

**Re: Your Request for Informal Assistance  
Our File No. I-06-202**

Dear Ms. Cruz:

This is in response to your request for advice in your capacity as filing officer for campaign disclosure statements filed under the Political Reform Act (the "Act").<sup>1</sup> Because your questions are general in nature and you have not identified specific filers to whom your questions relate, we are treating your letter as a request for informal assistance under regulation 18329(c).<sup>2</sup>

### QUESTIONS AND DISCUSSION

1. If during the second pre-election reporting period a slate mailer organization receives payments totaling \$500 or more and makes payments totaling \$500 or more for the purpose of producing a slate mailer, but no mailer is sent, is the slate mailer organization required to file a semi-annual report?

Once a person or entity qualifies as a slate mailer organization, the organization must file a campaign statement for each semi-annual period in which it receives \$500 or more "from any person for the support of or opposition to candidates or ballot measures in a slate mailer." (Section 84218(a).) Section 82048.4 defines "slate mailer organization" as follows:

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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 offer the immunity provided by a Commission opinion or formal written advice. (Regulation 18329(c)(3).)

“(a) ‘Slate mailer organization’ means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:

“(1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.

“(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

“(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:

“(1) A candidate or officeholder or a candidate’s or officeholder’s controlled committee.

“(2) An official committee of any political party.

“(3) A legislative caucus committee.

“(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure. ...”

A “slate mailer” is a mass mailing which supports or opposes a total of four or more candidates or ballot measures. (Section 82048.3.) A “mass mailing” is defined in section 82041.5 and regulation 18435 as over 200 hundred substantially similar pieces of mail sent in a calendar month.

A person or entity that qualifies as a slate mailer organization under section 82048.4 must file a statement of organization within 10 days after it has received or has been promised \$500 or more for producing one or more slate mailers. (Section 84108.) Thereafter, the organization must file periodic campaign statements as specified in section 84218. With regard to semiannual statements, subdivision (a) of section 84218 provides:

“A slate mailer organization shall file semiannual campaign statements for each period in which it has received payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in a slate mailer, or in which it has expended five hundred dollars (\$500) or more to produce one or more slate mailers. The semiannual statements shall be filed no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.”

Accordingly, if a registered slate mailer organization receives \$500 or more at any time during the semiannual period for the support of or opposition to candidates or ballot measures in a slate mailer, the organization is required to file a semi-annual statement for that period.

2. Is a filing officer required to implement a payment plan for a candidate or committee that been assessed penalties for filing campaign statements after the deadline?

Nothing in the Act requires a filing officer to implement a payment plan.

3. If a filing officer sends a request for an amendment to a campaign statement and does not receive a response from the filer, what procedures should be followed by the filing officer?

Because you have provided no information regarding the nature of the amendments you have requested, we can only provide a general response to this question. The Act imposes no deadlines for the filing of amendments to campaign disclosure statements. 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. However, if the failure of a filer to respond to a specific request for an amendment will result in a violation of the Act, the filing officer should refer the filer to the appropriate enforcement official.

Section 81010 establishes the duties of filing officers for campaign disclosure statements filed under the Act.

“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.”

Regulation 18110 (copy enclosed) further clarifies the duties of filing officers in determining whether required documents have been filed and conform on their face with the requirements of the Act pursuant to subdivision (b) of section 81010 and the duty to notify filers who have failed to file a report or statement in the form required by the Act pursuant to subdivision (c). Regulation 18110 allows 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 or a campaign statement which cannot be reproduced, 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. An error or omission in connection with the identification of a donor or intermediary is minor if such person is identified by name and either street address, occupation, employer or principal place of business. An error or omission in connection with the identification of the recipient of an expenditure or person providing consideration for an expenditure is minor if such person is identified by name.”  
(Regulation 18110(c)(3).)

If a candidate or committee has been asked to amend a campaign statement to correct what would be considered a minor error or omission, it would be up to the filing officer to determine whether further efforts to obtain the information are warranted. If the failure to file an amendment would result in a violation of the Act that is more than a minor error or omission, the filer should be referred to the appropriate enforcement official.

4. If a candidate fails to file a required Form 470 Supplement, is there a specific form or notice to be used for notifying the candidate of the failure to file? For purposes of imposing late filing penalties, is the Form 470 Supplement subject to the 10 or 5-day rule set out in section 91013?

Section 84206 allows a candidate who does not intend to raise \$1,000 or more in contributions or make expenditures totaling \$1,000 or more during a calendar year to file a single short form campaign statement (Form 470) in lieu of filing semiannual and preelection statements using the regular Recipient Committee Campaign Statement (Form 460). If the candidate files a Form 470 in connection with an election and subsequently raises or spends \$1,000 or more, he or she must, within 48 hours, notify the Secretary of State, the local filing officer with whom the candidate is required to file original campaign statements pursuant to section 84215, and each candidate contending for the same office that the \$1,000 threshold has been met. This requirement may be satisfied by using the Form 470 Supplement or providing the information specified on the Form 470 Supplement. (Regulation 18406.) Once the Form 470 Supplement (or the required information) has been filed, the original Form 470 is revoked, and the candidate must begin filing the Form 460 campaign statement on the regular pre-election and semiannual deadlines specified in the Act. (Sections 84200 and 84200.5.)

If a filing officer is aware that a candidate who should have filed the 48-hour notice has not done so, the filing officer should notify the candidate of the filing requirement under section 81010(c) in the same manner as any other unfiled statement.

As a local filing officer, the County of Los Angeles would receive the Form 470 Supplement from candidates who were required to file an "original" Form 470 with the County, including candidates for elective county offices and municipal court judges. (Section 84215(d).) Accordingly, the Form 470 Supplement required to be filed with the county is also considered an "original" filing, and late filing penalties may be imposed by the County under section 91013(a), which provides:

"If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement."

Because the deadline for filing the Form 470 Supplement can fall before or after the 12-day deadline for filing the second preelection campaign statement, candidates would be allowed 10 days following the date specific written notice is sent to file the required information before the County would be prohibited from waiving the late filing penalties.

If you have questions concerning this letter, please contact me at (916) 322-5660. In addition, the Technical Assistance Division will be happy to schedule a filing officer outreach visit with you to discuss the County's duties under the Act.

Sincerely,

Luisa Menchaca  
General Counsel



By: Carla Wardlow  
Division Chief  
Technical Assistance Division

Enclosure  
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