



FAIR POLITICAL PRACTICES COMMISSION

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August 8 , 2008

Tony Miller, Chief
Political Reform Division
Office of the Secretary of State
1500 11th Street, Room 495
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-08-121

Dear Mr. Miller:

This letter responds to your request for advice regarding the campaign reporting provisions of the Political Reform Act (the "Act").¹ Please note that we base our advice solely on the provisions of the Act.

QUESTION

Does Section 84602(d), or any other provision of the Act, require the Secretary of State to redact any information in a scanned copy of a Statement of Organization (the "Form 410") before posting it on her website?

CONCLUSION

Section 84602(d) applies to documents that are required to be electronically filed under the Act's online disclosure requirements in Chapter 4.6 (commencing with Section 84600) of the Act. Since the Secretary of State's proposed website posting concerns paper documents filed under other provisions of the Act, Section 84602(d) is not applicable to those documents and no other provision of the Act requires that information from those documents be redacted. We offer no comment on the requirements, if any, of other laws outside the Act.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FACTS

You are the Chief of the Political Reform Division within the Office of the Secretary of State and request advice in that capacity. Under Section 81008(a), all data filed with the Secretary of State pursuant to the Act is available for viewing and copying in the Office of the Secretary of State. This includes addresses of all contributors, treasurers and committees, as well as bank account numbers. The information is available in the Sacramento Office of the Secretary of State on paper documents filed with the office and on computer terminals that access a non-internet database. Copies of the information are provided upon request.

Section 84605 defines who files their campaign reports electronically with the Secretary of State. Specifically, those candidates or committees who have received contributions or loans or made expenditures or loans of at least \$50,000 are subject to electronic filing. Thus, if a candidate or committee filed a Form 410 and initially did not have contributions or expenditures at the qualifying amount, they would not file the Form 410 electronically. If a candidate or committee has initial contributions or expenditures of at least \$50,000, they would file their Form 410 online in the first instance. If, however, they became eligible for electronic filing later on (by reaching that \$50,000 threshold), they would amend their Form 410's at that time, and would file electronically.

Section 84602 requires the Secretary of State to make all data filed available on the internet for public access as soon as possible after receipt. Currently, Form 410 is available online only if the filer is subject to electronic filing. You plan to make scanned images of completed Form 410's available on the Secretary of State's website whether the filer filed the form electronically or not. You plan to redact bank account information as well as street address and phone number information of committee treasurers.

ANALYSIS

One of the main purposes of the Political Reform Act is to ensure that campaign finances are "fully and truthfully disclosed so that the voters may be fully informed." (Section 81002(a) and (b).) Section 81008 provides the public broad access to reports filed under the Act:

"(a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received"

Your office plans to post on its website scanned images of completed Forms 410 that have been filed in paper form but that are not currently required to be filed with your office electronically. You have asked whether you must redact any information from those forms before you scan a copy and post it on the website. You have stated that you plan to redact, as a matter of policy, bank account number information and street address and telephone information of committee treasurers before posting the scanned images.

Section 84602(d) only applies to documents filed electronically under the Act's online disclosure requirements in Chapter 4.6 (commencing with Section 84600) of the Act. It does not apply to paper documents, including the Form 410, filed with the Secretary of State under other provisions of the Act (see Chapter 4 (commencing with Section 84100) of the Act). Therefore, Section 84602(d) does not require the Secretary of State to redact any information from these documents if she chooses to post them on her official website. Furthermore, no other provision of the Act requires redaction of information from these paper documents. Finally, please note that we offer no advice on provisions outside the Act that may apply to your question.

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

Sincerely,

Scott Hallabrin
General Counsel



By: Heather M. Rowan
Counsel, Legal Division

HMR:jgl