



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

September 30, 2008

Elena Chavez, City Clerk
City of San Fernando
117 MacNeil Street
San Fernando, CA 91340-2993

**Re: Your Request for Advice
Our File No. A-08-163**

Dear Ms. Chavez:

This letter is in response to your request regarding the campaign provisions of the Political Reform Act (the "Act").¹

QUESTION

May the committees involved in a January 13, 2009, special recall election combine the semi-annual statement with the second pre-election statement due in connection with the election?

CONCLUSION

Committees involved in the January 13, 2009, election should file according to the enclosed schedule, which will satisfy the campaign reporting requirements for candidates and committees participating in the election.

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.

ANALYSIS

During an election, candidates and committees involved in the election are required to file two pre-election 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, 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), a pre-election filing is not combined with the semi-annual statement covering through December 31 of the prior year. However, Section 82018 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).) In your situation, both pre-election statements cover reporting periods in 2008 while the election will be held in 2009.

Thus, in this case, filing the two pre-election statements in connection with the January 13 election will satisfy the January 31, 2009, semi-annual filing requirement. A campaign statement filing schedule which outlines the due dates for filing statements is enclosed for your convenience.

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

Sincerely,

Scott Hallabrin
General Counsel



By: Carla Wardlow
Division Chief
Technical Assistance Division

Enclosure
CW:jgl