



FAIR POLITICAL PRACTICES COMMISSION

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December 23, 2009

Ms. Susan Alves, Asst. Clerk-Recorder
County of Glenn Elections Department
Courthouse Complex
516 West Sycamore Street
Willows, CA 95988

**RE: Your Request for Informal Assistance
Our File No. I-09-250**

Dear Ms. Alves:

This letter is in response to your request for advice regarding the campaign filing provisions of the Political Reform Act (the "Act").¹ Please note that the Commission will not advise with respect to past conduct. (Regulation 18329(b)(8)(A).) Therefore, nothing in this letter should be construed to evaluate any conduct that may have already taken place and any conclusions provided apply only to prospective actions. Because you seek general information, we are treating your request as one for informal assistance.²

QUESTION

Are campaign statements for certain candidate controlled committees, such as for a State Assembly Member and a state ballot measure committee controlled by a State Senator, required to be filed with the Glenn County Elections Division, where the candidate does not reside in Glenn County, and Glenn County does not have the largest number of registered voters in the district?

CONCLUSION

Given the recent amendments to Section 84215, campaign statements such as the two examples you provided, for candidate controlled committees where the candidate is not

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

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c).)

domiciled in Glenn County and Glenn County does not have the largest number of registered voters in the district, are not required to be filed with the Glenn County Elections Division.

FACTS

The Glenn County Elections Department has been receiving some campaign statements from a campaign treasurer that you do not believe are required to be filed in Glenn County. You have enclosed copies of two campaign committee statements that the treasurer has been filing with you, which you believe should not be filed in Glenn County. These are statements for a State Assemblyman's candidate election committee and for a state ballot measure committee controlled by a State Senator. You ask whether the Glenn County Clerk is required by statute to receive statements such as these, for candidate controlled committees where the candidate does not reside in Glenn County and Glenn County does not have the largest number of registered voters in the district.

You understand the law to mean that a candidate must file a copy of his or her disclosure statements in the county where the candidate him or herself is domiciled, regardless of the address of the committee (i.e., regardless of where the committee is domiciled). The treasurer takes the position that the candidate must file with the county if the committee address, which may be listed as its treasurer's office, is located within the county. In this case the treasurer who is filing these statements has an office located within Glenn County, so the committee address is in Glenn County.

ANALYSIS

Section 84215 of the Act states where candidates and committees must file campaign disclosure reports. The misunderstanding here appears to stem from a legislative change to Section 84215 made in 2007.³ Prior to its amendment in 2007, the first paragraph of Section 84215 used to state:

“All candidates, elected officers, committees, and proponents of state ballot measures or the qualification of state ballot measures, except as provided in subdivision (e), shall file two copies of the campaign statements required by Section 84200 with the clerk of the county in which they are domiciled. A committee is domiciled at the address listed on its campaign statement unless it is domiciled outside California in which case its domicile shall be deemed to be Los Angeles County for the purpose of this section. In addition, campaign statements shall be filed at the following places:” [Emphasis added.]

Under the language of old Section 84215, we advised that when a candidate was domiciled in a county different from where his or her controlled committee was domiciled, copies of campaign statements had to be filed in each county of domicile.

³ Amended by Stats. 2007, Ch. 54 (AB 473 - Assembly Member Adams).

The first paragraph of Section 84215 was amended in 2007 to state:

“All candidates and elected officers and their controlled committees, except as provided in subdivision (e), shall file one copy of the campaign statements required by Section 84200 with *the elections official of the county in which the candidate or elected official is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code.*⁴ In addition, campaign statements shall be filed at the following places:” [Emphasis added.]

This language is more specific and clearly requires that the candidate or elected official file a copy of the campaign statement in the county where the candidate or elected official is domiciled.

In full, current Section 84215 provides:

“All candidates and elected officers and their controlled committees, except as provided in subdivision (e), shall file one copy of the campaign statements required by Section 84200 with the elections official of the county in which the candidate or elected official is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers and candidates for these offices other than the Board of Equalization, supreme court justices, their controlled committees, committees formed or existing primarily to support or oppose these candidates, elected officers, supreme court justices, or statewide measures, or the qualification of state ballot measures, and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive:

- (1) The original and one copy with the Secretary of State.
- (2) One copy with the Registrar-Recorder of Los Angeles County.
- (3) One copy with the Registrar of Voters of the City and County of San Francisco.

(b) Members of the Legislature or Board of Equalization, court of appeal justices, superior court judges, candidates for those offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or officeholders:

- (1) The original and one copy with the Secretary of State.
- (2) One copy with the elections official of the county with the largest number of registered voters in the districts affected.

(c) Elected officers in jurisdictions other than legislative districts, Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and

⁴ California Elections Code Section 349(b) provides: “The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.”

committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

(d) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (e), and county general purpose committees shall file the original and one copy with the elections official of the county.

(e) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.

(f) Notwithstanding the above, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.”

To provide examples, you have enclosed campaign statements for two committees which you believe are not required to file with the Glenn County Elections Department. The first is a statement for the committee “Elect Dan Logue,” a candidate controlled committee for Assemblyman Dan Logue who represents Assembly District 3. Committees for Members of the State Legislature file according to Section 84215(b) above. Therefore, a committee such as this would be required to file:

- the original and one copy of its campaign statement with the Secretary of State (Section 84215(b)(1));
- one copy of its campaign statement with the elections official of the county with the largest number of registered voters in the districts affected (Section 84215(b)(2)); and
- one copy of its campaign statement with the elections official of the county in which *the candidate or elected official* is domiciled (Section 84215).

A state legislator’s committee such as this one *would not* be required to file with the Glenn County Election Department when Glenn County is not the county with the largest number of registered voters in the legislator’s district, and the legislator is not domiciled in Glenn County.

The second example you provided is a December 2008 semi-annual statement for the committee "Yes on 6 Committee to Take Back Our Neighborhoods generously supported by Dr. Henry T. Nicolaus, Larry Rasmussen, Senator George Runner and a coalition of Law Enforcement Professionals, et al." This statewide ballot measure committee (ID No. 1301754), controlled by State Senator George Runner, was primarily formed to support ballot measure 6, an anti-gang initiative that appeared on the November 2008 ballot. The treasurer filed statements for this committee with the Glenn County Elections Department, in addition to other locations.

On the ballot measure election filing dates, a statewide ballot measure committee such as this, controlled by a State Senator, would be required to file:

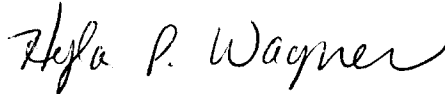
- the original and one copy of its statement with the Secretary of State (Section 84215(a)(1));
- one copy with the Registrar-Recorder of Los Angeles County (Section 84215(a)(2));
- one copy with the Registrar of Voters of the City and County of San Francisco (Section 84215(a)(3));
- one copy of the campaign statement with the elections official of the county in which *the candidate or elected official* is domiciled (Section 84215).

A statewide ballot measure committee controlled by a state legislator such as this one *would not* be required to file with the Glenn County Election Department when Glenn County is not the county with the largest number of registered voters in the controlling legislator's district, and the legislator is not domiciled in Glenn County.

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

Sincerely,

Scott Hallabrin
General Counsel



By: Hyla P. Wagner
Senior Counsel, Legal Division

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