



FAIR POLITICAL PRACTICES COMMISSION
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April 10, 2014

Mr. Lance H. Olson
Olson Hagel & Fishburn
555 Capitol Mall, Suite 1425
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-14-058

Dear Mr. Olson:

This letter responds to your request for advice regarding campaign provisions of the Political Reform Act (the "Act").¹

QUESTION

Where does a committee primarily formed to support the passage of ballot measures being voted on in the nine-county special district of the San Francisco Bay Restoration Authority file its campaign reports and who is the filing officer?

CONCLUSION

Under Section 84215(b), a committee primarily formed to support the passage of identical measures in nine counties that are part of the San Francisco Bay Restoration Authority should file its campaign report with the county that has the largest number of registered voters of all counties in the Authority's jurisdiction. Based on the Secretary of State Report of Voter Registration by County as of December 31, 2013, the committee should file an original and one copy of its campaign statements with the Registrar of Voters of Alameda County.

FACTS

The San Francisco Bay Restoration Authority is a regional entity established by the San Francisco Bay Restoration Authority Act, found in Government Code Sections 66700 et seq. The Authority is charged with raising and allocating funds for the protection and enhancement of

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.

tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay and for related public access and flood protection. The Authority's purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline. Legislation that enacted the Authority finds that the nine counties surrounding the San Francisco Bay constitute a region with unique natural resource and outdoor recreational needs, and cites the importance of protecting and restoring vital wetlands and San Francisco Bay habitat. Existing law authorizes the Authority to raise resources to restore wetlands and wildlife habitat in the San Francisco Bay area by levying a benefit assessment, special tax, or property-related fee.

Legislation was recently enacted to address the unique procedural and financial barriers faced by the Authority in proposing a special tax measure for a large, multicounty jurisdiction in a special election. (Senate Bill No. 279, Stats. 2013, Ch. 514, approved by the Governor on October 3, 2013.) The legislation specifies that a measure proposed by the Authority must be submitted to the voters of the jurisdiction covered by the Authority, requires legal counsel for the Authority to prepare an impartial analysis of the measure, and requires elections officials in the nine counties to use the same letter designation for the measure that will be up for vote in each county.

You represent a committee that will be primarily formed to support the passage of ballot measures being voted upon in the nine-county special district. Under state law if the Authority governing the district votes to place a special tax on the ballot, which it plans to do, each of the nine counties encompassed within the special district is required to place the measure on the ballot (consolidated with the state general election) and to use the same ballot letter designating the measure. In effect, there will be nine Measure A's in nine separate counties with each measure bearing the same letter and ballot question, having the same text and accompanied by the same impartial analysis.

You ask where the committee formed to support passage of the measure(s) files its campaign report, and who is the filing officer?

ANALYSIS

Section 84215 of the Act sets forth where committees file campaign statements. Section 84215 provides in part:

“(a) Statewide elected officers, including members of the State Board of Equalization; Members of the Legislature; Supreme Court justices, court of appeal justices, and superior court judges; candidates for those offices and their controlled committees; committees formed or existing primarily to support or oppose these candidates, elected officers, justices and judges, 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, shall file a campaign statement by online or electronic means, as specified in

Section 84605, and shall file the original and one copy of the campaign statement in paper format with the Secretary of State.

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

(c) 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 (d), and county general purpose committees shall file the original and one copy with the elections official of the county.

(d) 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 and are not required to file with the local elections official of the county in which they are domiciled.”

This committee is supporting measures in a multi-county district created by the Authority and therefore Section 84215(b) applies. Under Section 84215(b), the committee primarily formed to support measures in this multi-county district is required to file the original and one copy of its campaign statements with the county with the largest number of registered voters in the multi-county district. The San Francisco Bay Restoration Authority encompasses the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. (Gov. Code Section 66701(h).) According to the Secretary of State Report of Voter Registration by County as of December 31, 2013,² the number of registered voters in these counties is as follows:

<u>County</u>	<u>Registered Voters</u>
Alameda	797,326
Contra Costa	524,815
Marin	150,069
Napa	70,684
San Francisco	433,079
San Mateo	358,077
Santa Clara	793,995
Solano	208,681
Sonoma	243,878

² The Report of Voter Registration by County is available on the California Secretary of State’s website at <http://www.sos.ca.gov/elections/ror/ror-pages/154day-primary-2014/county.pdf>.

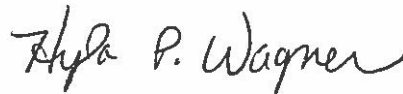
Because Alameda County has the largest number of registered voters, the committee primarily formed to support measures being voted on in the nine counties of the San Francisco Bay Restoration Authority is required to file the original and a copy of its campaign statements with the Registrar of Voters of Alameda County.

According to the Alameda County Registrar of Voters, committees are permitted to file statements electronically or on paper, but all committees are required to file an original of the statements in paper version with a wet signature. The paper and electronically filed statements are available on the Alameda County Registrar of Voter's website at: <http://static.netfile.com/agency/coa/>. Therefore, the ballot measure committee's campaign statements will be accessible on the Internet when filed with the Alameda County Registrar of Voters.

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

Sincerely,

Zackery P. Morazzini
General Counsel



By: Hyla P. Wagner
Senior Counsel, Legal Division

HPW:jgl