



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

February 10, 2017

John Henry Beyer, Treasurer
Tahoe-Truckee Democratic Club
Home contact information:
13852 Alder Creek Road
Truckee, CA 96161

Re: Your Request for Advice
Our File No. A-17-033

Dear Mr. Beyer:

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

QUESTION

Is it permissible for a treasurer to use either his street address or that of a principal officer in completing the Statement of Organization, Form 410 where the committee does not have a designated street address?

CONCLUSION

Yes. It is permissible to list a committee's street address as that of the treasurer's, or other principal officer's, street address in completing the Statement of Organization, Form 410, under these circumstances.

FACTS

You are the treasurer for the Tahoe-Truckee Democratic Club ("TTDC"). The organization has held two meetings and has raised over \$2,000 in membership dues and donations. You are aware that your organization qualifies as a committee and that you must file a Form 410 by February 10, 2017.

You state that the TTDC does not have a physical street address or a phone number. So far, meetings have been held in public places. You were provided informal advice by the Commission that as treasurer you may use your street address and phone number, or that of any other officer.

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.

However, you are concerned that if you enter any street address on Form 410 you will be committing perjury. You are aware that your street address and phone number, as well as that of other principal officers will be submitted on the form.

ANALYSIS

Under the Act, a "committee" is defined as any person or combination of persons who receives contributions totaling \$2,000 or more in a calendar year for political activities. (Section 82013(a).) A committee under Section 82013(a) must file a statement of organization with the Secretary of State, and its local filing officer, if applicable, within 10 days of qualifying as a committee. (Section 84101(a).) A statement of organization must include all of the following information, relevant to your facts:

- (a) The name, street address, and telephone number, if any, of the committee. . . .
- (c) The full name, street address, and telephone number, if any, of the treasurer and any other principal officers.

(Section 84102(a) in part, and (c).)

Regulation 18410(a)(3) states that the Secretary of State shall reject the filing of a statement of organization unless it contains "the full name, street address, email address, and telephone number of the committee." This same regulation requires the "full name, street address, and telephone number of the treasurer."

We have previously provided, as informal advice, that if "a committee is not located in a building with a street address, the treasurer's street address may be reported as the address of the committee." (*Pearl Advice Letter, No. I-93-269.*) We additionally noted that a committee may use either the residential or the business address of the treasurer, and defined "business address" as the street address where the treasurer is employed, not the address where the treasurer receives his/her mail if different from place of employment. (*Id.*) A committee may only use a post office box or other forwarding service such as Mail Boxes Etc., as the "mailing address" for a committee, and it will not satisfy the requirement that a "street address" be provided under Section 84101(a). (*Id.*)

We have also advised that a committee may designate the treasurer's attorney's office as the official address of the committee, in lieu of providing the treasurer's home address. (*Pearl Advice Letter, No. A-93-314.*)

Section 81004 states that the statement of organization must be signed under penalty of perjury and verified by the filer. Where a street address is required for a committee on Form 410, and you provide an appropriate alternate street address that belongs either to yourself or a principal officer, there is not an issue of perjury in signing the form.

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

Sincerely,

Hyla P. Wagner
General Counsel

A handwritten signature in blue ink, appearing to read "L. Karen Harrison" with a stylized flourish at the end.

By: L. Karen Harrison
Counsel, Legal Division

LKH:jgl