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Information Manual E

Campaign Provisions of the Political Reform Act for:

- Major Donor Committees
- Independent Expenditure Committees

Prepared by the
Fair Political Practices Commission
428 J Street, Sacramento, CA 95812-0807
(916) 322-5660

Revised December 31, 1994

The Political Reform Act was adopted by voter initiative in 1974 and has been periodically amended by legislation and initiatives. The Act requires that campaign disclosure reports, as described in this manual, provide the public with the identity of contributors and the amounts they give; and the amount officeholders, candidates, and committees spend.

Governing Statutes:

- Political Reform Act of 1974 As Amended to January 1, 1995. (Government Code Sections 81000-91015.)
- California Code of Regulations, Title 2, Division 6 (Section 18000 et seq.).

Persons interested in purchasing FPPC Regulations may contact:

Barclay's Law Publishing
P.O. Box 3066
South San Francisco, CA 94083
(415) 244-6611

Regulations, opinions, and enforcement decisions are also published by Continuing Education of the Bar.

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Important Telephone Numbers

Questions on campaign disclosure and contribution limitations:

Fair Political Practices Commission (FPPC)
Technical Assistance Division
(916) 322-5660
FAX (916) 322-3711

Questions on restrictions on use of campaign funds:

FPPC Legal Division
(916) 322-5901

Questions on committee tax status, tax-deductible contributions, 501(c)(3) groups or any other tax-related questions:

State Franchise Tax Board
(800) 852-5711
Statewide Automated Information
(800) 338-0505

To obtain copies of campaign statements filed by state officeholders, candidates, and committees:

Secretary of State
Political Reform Division
(916) 653-6224
FAX (916) 653-5045

Questions on federal elections, contributions from national banks, national corporations, and foreign nationals:

Federal Election Commission
(800) 424-9530

Agency Responsibilities

The FPPC has primary responsibility for interpretation and administration of the Political Reform Act. (Gov. Code Section 83111.)

The Secretary of State, and city and county clerks are filing officers for campaign disclosure statements. (Gov. Code Section 84215.)

The Franchise Tax Board is responsible for audits conducted in accordance with the Act. (Gov. Code Section 90000.)

The FPPC, the State Attorney General, and local district attorneys have enforcement authority under the Act. (Gov. Code Sections 91000 - 91015.)

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Part I.

Campaign Reporting Requirements

Filing Obligations

The Political Reform Act was adopted by voter initiative in 1974 and has been periodically amended by legislation and initiatives. The Act requires that campaign disclosure reports, as described in this manual, provide the public with the identity of contributors and the amounts they give.

Provisions of the Act apply only to contributions and expenditures made to support or oppose California state and local candidates, ballot measures, and committees. The Act's provisions do not apply to elections to federal office or to candidates for offices in other states, or to committees that support or oppose only out-of-state candidates.

This manual provides campaign disclosure requirements with which major donors and non-recipient independent expenditure committees* must comply. This manual's purpose is to enable accurate, timely, and complete filing of all required campaign disclosure statements. Major donor and independent expenditure committees are advised to read this manual carefully.

Campaign statements must be filed in a timely manner. Failure to file appropriate statements and reports in compliance with the Act can result in substantial criminal, civil, and administrative penalties. In addition, failure to file within the prescribed deadlines can lead to late filing penalties of \$10 for each day the statement is late. The law does not allow for extensions of due dates for the filing of campaign statements.

Computerized Campaign Statements

Campaign statements filed pursuant to the Political Reform Act must be prepared on forms prescribed by the Fair Political Practices Commission. (Gov. Code Section 82006.) The Commission permits computer-generated campaign statements if the required information is in a format substantially similar to the Commission's forms. Computerized formats must be sent to the Commission for approval prior to use.

For information on computer-generated campaign statements, contact the Commission's Technical Assistance Division at (916) 322-5660.

*An independent expenditure committee does not receive contributions. Committees that receive contributions should refer to Manual B, C, or D for their disclosure requirements or contact the FPPC.

Local Ordinances

Cities and counties may adopt local ordinances that impose additional or different disclosure requirements on committees active only in their jurisdictions. Cities and counties may also impose lower contribution limitations in elections within their jurisdictions. A city or county campaign ordinance, however, never pre-empts state law. All city, county, and state committees must report contributions and expenditures on the Commission's forms and comply with the disclosure requirements and filing deadlines set forth in the Political Reform Act.

For more information concerning city and county campaign ordinances, please contact the specific city or county in question.

Any questions on reporting obligations may be addressed to the Fair Political Practices Commission (FPPC) at (916) 322-5660.

Federal Elections

Provisions of the Political Reform Act do not apply to elections for federal office, including the Office of the President and Vice President, nor seats in the U.S. House of Representatives or U.S. Senate. Candidates for federal office and committees that participate in federal campaigns are subject to federal disclosure requirements. Assistance for federal candidates and committees may be obtained from the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, (800) 424-9530.

Part II.

Committee Definitions and Disclosure Requirements

Part II describes what forms must be filed, when forms must be filed and instructions on how to complete each campaign form.

Major Donor Committees and Independent Expenditure Committees Defined

Major donor committees and independent expenditure committees are required to file campaign statements at specified intervals. Form 461 is used as both a "pre-election" and a "semi-annual" statement.

- Major Donor Committees:

Individuals or entities that do not receive contributions and make monetary or non-monetary contributions (including loans) to state or local officeholders, candidates, and committees totaling \$10,000 or more in a calendar year. Certain combinations of individuals and entities may qualify as a single major donor committee. (See page 8 for further information.)

Loan guarantees and other types of "enforceable promises" are contributions and must be counted toward the \$10,000 threshold to determine when an individual or entity qualifies as a major donor.

Example:

In March, 1996, Mega Biotech made contributions totaling \$8,000 to various state and local ballot measure committees. On June 1, 1996, it made an additional \$2,000 contribution to a state assembly candidate. The company qualified as a major donor committee and must file Form 461 no later than July 31 covering the period January 1 through June 30, 1996.

- Independent Expenditure Committees:

Individuals or entities that make independent expenditures (defined below) totaling \$1,000 or more in a calendar year to support or oppose state or local candidates or ballot measures. These committees do not receive contributions. Certain combinations of individuals and entities may qualify as a single independent expenditure committee. (See page 8 for further information.)

An independent expenditure is a payment for a communication (e.g., a newspaper ad, a mailing) which expressly advocates the nomination, election, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to -- or at the behest of -- the affected candidate or committee.

Example:

Megan Rogers made payments from her personal funds totaling \$1,300 for a mailing urging the voters in her city to support a city measure appearing on the June ballot. She did not coordinate or consult or otherwise act at the behest of the committee formed to support the measure. Ms. Rogers qualified as an independent expenditure committee and must file Form 461.

When to File Form 461

(See pages 5-11 for an example of Form 461.)

For the purpose of determining when and where to file campaign statements, an individual or entity must determine whether it is a "State," "County," or "City" major donor or independent expenditure committee.

"STATE" MAJOR DONOR OR INDEPENDENT EXPENDITURE COMMITTEES:

A committee that makes contributions or independent expenditures to support or oppose state candidates (including candidates for state senate and state assembly), or state measures, or any number of candidates or measures being voted on in more than one county.

Example:

In April, the Iceland Corporation made a contribution of \$5,000 to a supervisorial candidate in Sierra County. In June, it made another \$5,000 contribution to a committee supporting a measure being voted upon in the county of Alpine. Iceland Corporation qualified as a state major donor committee and must file Form 461.

"COUNTY" MAJOR DONOR OR INDEPENDENT EXPENDITURE COMMITTEES:

A committee that makes contributions or independent expenditures to support or oppose candidates or measures being voted on in a single county election, or in any number of jurisdictions wholly within a single county.

Semi-Annual Statements

Once an individual or entity has qualified as a state or county major donor or independent expenditure committee, it must file a semi-annual statement for each half of the year during which it makes

Committee Disclosure Forms - Con't

any contributions or independent expenditures, including payments to slate mailer organizations. Semi-annual statements are due on July 31, and January 31, with closing dates of June 30 and December 31, respectively.

Example 1:

The Beachnut Corporation made contributions totaling \$12,000 between January 1 and June 30, 1996. It must file a semi-annual statement no later than July 31. On November 6, the corporation made an additional contribution. It must file a semi-annual statement for the period July 1 through December 31. This statement must be filed no later than January 31, 1997.

.....

Example 2:

The Beachnut Corporation made several contributions totaling \$6,000 between January 1 and June 30, 1995. Because the corporation did not qualify as a major donor, it was not required to file the semi-annual statement due July 31. On September 16 it made an additional \$4,000 contribution. It has now qualified as a major donor committee and must file a semi-annual statement no later than January 31, 1996 covering the period January 1 through December 31, 1995.

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Example 3:

The Beachnut Corporation made contributions totaling \$10,000 between January 1 and June 30, 1997. It must file a semi-annual statement no later than July 31. The corporation did not make any additional contributions during the period July 1 through December 31. Beachnut Corporation is not required to file the semi-annual statement due January 31, 1998.

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Pre-Election Statements

State and county major donor and independent expenditure committees are not required to file regular pre-election statements.

NOTE: A "state" committee that also makes contributions to or expenditures on behalf of city or county candidates or measures is not required to file reports as a city or county major donor or independent expenditure committee. If a committee is initially required to file as a city or county committee, however, and later during the calendar year qualifies as another type of committee (e.g., a city committee be-

comes a county or state committee), it must continue to file copies of its campaign statements in the original city or county and in the other locations it is required to file until the end of the calendar year.

Important: See pages 12-19 for additional reports that may be required.

"CITY" MAJOR DONOR OR INDEPENDENT EXPENDITURE COMMITTEES:

A committee that makes contributions or independent expenditures to support or oppose candidates or measures being voted on in a single city.

Semi-Annual Statements

Once an individual or entity has qualified as a city major donor or independent expenditure committee, it must file a semi-annual statement for each half of the year during which it makes any contributions or independent expenditures, including payments to slate mailer organizations. Semi-annual statements are due on July 31, and January 31, with closing dates of June 30 and December 31, respectively.

Pre-Election Statements

During a six-month period in which no city election is held, city major donor and independent expenditure committees are NOT required to file regular pre-election statements.

During a six-month period in which the city election is held, city major donor and independent expenditure committees may be required to file two pre-election statements and a pre-run-off election statement, depending on their level of activity. The pre-election statements or pre-run-off statement specified in the Filing Schedules on pages 21-24 are required if the committee makes contributions or independent expenditures that total \$500 or more during the period the statement covers.

Important: See pages 12-19 for additional reports that may be required.

Independent Expenditure Committee and Major Donor Committee Campaign Statement, Form 461

Form 461 is used by major donor committees and non-recipient independent expenditure committees and may be filed as a:

- Semi-annual statement
- Pre-election statement
- Special Odd-Year Report

Cover Page

The period a campaign statement covers, whether it is a pre-election or semi-annual statement, begins with the day after the closing date of the most recently filed campaign statement. The period for the first statement filed begins on January 1 of the current calendar year.

If the filer is a city or county committee and the city or county election will be held this year, enter the date of the election.

Provide the filer's full name, permanent address and telephone number where the filer can be reached during business hours. The name used must be the name by which the filer is identified for other legal purposes or the name by which the filer is commonly known by the public.

When a "combination of persons" makes contributions and independent expenditures, the name of each person must be listed on the statement under "Name of Filer." (See page 8 for further information.)

<p>Independent Expenditure Committee and Major Donor Committee Campaign Statement (Government Code Sections 84200-84216.5)</p>		<p>Type or print in ink</p>	<p>INDEPENDENT EXPENDITURE COMMITTEE AND MAJOR DONOR COMMITTEE STATEMENT</p>
<p>SEE INSTRUCTIONS ON REVERSE</p>		<p>Statement covers period from <u>1/1/95</u> through <u>6/30/95</u></p>	<p>Date of election if applicable (Month, Day, Year)</p>
		<p>Date Stamp</p>	
		<p>Page <u>1</u> of <u>3</u> A For Official Use Only</p>	
<p>I Name/Address Of Filer NAME OF FILER (include name(s) of all affiliated entities whose contributions are included in this statement) <u>XYZ Corporation</u></p> <p>PERMANENT ADDRESS (NO AND STREET) <u>111 Northview Street</u></p> <p>CITY STATE ZIP CODE <u>Mt Crescent CA 93874</u></p> <p>RESPONSIBLE OFFICER (if filer is other than an individual) <u>Sam Williams</u></p> <p>AREA CODE/DAYTIME PHONE <u>(916) 356-9876</u></p>		<p>III Summary (Amounts may be rounded to whole dollars.)</p> <p>1 Expenditures and contributions (including loans) made of \$100 or more this period (Part V) \$ <u>14,000</u></p> <p>2 Expenditures and contributions (including loans) under \$100 made this period (Not itemized) \$ <u>275</u></p> <p>3 Total expenditures and contributions made this period (Add Lines 1 + 2) SUBTOTAL \$ <u>14,275</u></p> <p>4 Total expenditures and contributions made from prior statement (Enter Line 5 of last statement filed. If this is the first statement for the calendar year, enter zero) \$ <u>0</u></p> <p>5 Total expenditures and contributions (including loans) made to date (since January 1 of the current calendar year) (Add Lines 3 + 4) TOTAL \$ <u>14,275</u></p> <p>6 Loans forgiven and loan guarantees made this period (Enter sum of Part VI, Columns (a) and (b)) \$ <u>7,500</u></p>	
<p>II Nature/Interests Of Filer (Complete each applicable section(s))</p> <p><input type="checkbox"/> A FILER THAT IS AN INDIVIDUAL MUST LIST THE NAME, ADDRESS AND BUSINESS INTERESTS OF EMPLOYER OR IF SELF-EMPLOYED, THE NAME, ADDRESS AND NATURE OF THE BUSINESS</p> <p>NAME OF EMPLOYER/BUSINESS BUSINESS INTERESTS</p> <p>ADDRESS OF EMPLOYER/BUSINESS</p> <p><input checked="" type="checkbox"/> A FILER THAT IS A BUSINESS ENTITY MUST DESCRIBE THE BUSINESS ACTIVITY IN WHICH IT IS ENGAGED</p> <p><u>Widget Manufacturer</u></p> <p><input type="checkbox"/> A FILER THAT IS AN ASSOCIATION MUST PROVIDE A SPECIFIC DESCRIPTION OF ITS INTERESTS</p> <p><input type="checkbox"/> A FILER THAT IS NOT AN INDIVIDUAL, BUSINESS ENTITY, OR ASSOCIATION MUST DESCRIBE THE COMMON ECONOMIC INTEREST OF THE GROUP OR ENTITY</p>		<p>IV Verification</p> <p>I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Executed on <u>7/28/95</u> at <u>Mt Crescent, CA</u> DATE CITY AND STATE</p> <p>By _____ (Signature Required) SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER IF OTHER THAN AN INDIVIDUAL</p>	
<p>FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICES ACT OF 1977 SEE INFORMATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL REFORM ACT. State of California Fair Political Practices Commission</p>			

Nature and Interests of Filer

Provide the nature and interests of the filer as described below. When more than one person is listed under "Name of Filer" the nature and interest of each person must be clearly identified.

- If the filer is an individual:
 - Provide the name and address of the filer's employer; and
 - Describe the nature of the employer's business; or
- If the individual filer is self-employed:
 - Provide the name and address of the business; and
 - Describe the nature of the business.
- If the filer is a business:
 - Describe the nature of the business.
- If the filer is an association which has not qualified as a recipient committee (i.e., has no previous history of political activity in California):
 - Describe the industry, trade or profession the association represents. If it represents a portion or faction of any industry, trade or profession, it must clearly describe that portion or faction.
- If the filer is not an individual, business entity, or association:
 - Describe the filer's nature and purposes. Include a description of any industry, trade, profession, or other group with a common economic interest it represents or from which it derives financial support.

Verification

If a major donor or independent expenditure committee is an individual, that individual must sign and verify the campaign statement. If the committee is an entity, such as a corporation or partnership, the statement must be signed by a responsible officer of the entity, or by an attorney or certified public accountant who acts as an agent for the entity. The officer, accountant, or attorney must verify the accuracy and completeness of the statement.

Detailed instructions appear on Form 461.

Expenditures and Contributions (Including Loans) Made

Contributions and independent expenditures aggregating \$100 or more during a calendar year to or on behalf of a single officeholder, candidate, measure, or committee must be itemized. Information required to be disclosed includes:

- The date of the contribution or independent expenditure.
- The payee's name, address and committee identification number (or treasurer's name and address) if applicable.
- A description of the payment.
- The identity of the officeholder, candidate, measure or committee supported or opposed.
- The amount paid during the period.
- The cumulative amount of contributions or independent expenditures made to support or oppose the candidate, measure, or committee.

Contributions and expenditures under \$100 are disclosed in a lump sum.

Detailed instructions appear on Form 461.

The following criteria determine when a contribution is made:

- Monetary contribution:
 - The date the check or other written instrument is mailed or delivered to the recipient or any agent of the recipient;
 - or
 - The date of the check or other written instrument provided it is not later than the date mailed or delivered.
- Late contribution:
 - The date mailed or delivered.
- Non-monetary contribution, whichever is earlier:
 - The date funds are spent by the contributor;
 - or
 - The date the recipient candidate/committee or an agent receives the benefit or obtains control of the goods or services.

Independent Expenditure Committee and Major Donor Committee Campaign Statement		Type or print in ink. Amounts may be rounded to whole dollars.		INDEPENDENT EXPENDITURE COMMITTEE AND MAJOR DONOR COMMITTEE STATEMENT				
SEE INSTRUCTIONS ON REVERSE		Statement covers period:		from <u>1/1/95</u>		Page <u>2</u> of <u>3</u>		
NAME OF FILER		through <u>6/30/95</u>						
XYZ Corporation								
V Expenditures and Contributions (Including Loans) Made (If more space is needed, use additional copies of this page for continuation sheets.)								
DATE	NAME AND ADDRESS OF PAYEE <small>(IF COMMITTEE IN ADDITION TO COMMITTEE'S NAME AND ADDRESS ENTER I.D. NUMBER OR, IF NO I.D. NUMBER HAS BEEN ASSIGNED, ENTER THE ASSURER'S NAME AND ADDRESS.)</small>	DESCRIPTION OF EXPENDITURE OR CONTRIBUTION MADE <small>(INCLUDE INTEREST RATE IF LOAN)</small>	NAME OF CANDIDATE AND OFFICE OR NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER	CHECK ONE		IND EXP *	AMOUNT	CUMULATIVE AMOUNTS TO DATE*
3/2	Kelly Valentine for Mayor I.D. #953879 5160 Hays Street Freeland, CA	Monetary Contribution	Kelly Valentine Mayor	X			2,000	CALENDAR YEAR 2,000 OTHER
3/2	Effective Mailing Lists 2020 Fair Lane Freeland, CA	In-Kind Contribution Mailing lists	Bruce Wills Supervisor Hampton County	X			2,500	CALENDAR YEAR 2,500 OTHER
4/23	Tom Suza for Senate Dist 41 I.D. #940128 100 Sand Blvd Hope, CA	Monetary Loan	Tom Suza SD 41	X			2,500	CALENDAR YEAR 2,500 OTHER
5/11	Old World Printers 15 Pliers Street Freeland, CA	In-Kind Contribution Mailer	Dr. Ben Weezer SD 43	X			2,000	CALENDAR YEAR 2,000 OTHER
6/1	Broadway News 4251 Eighth Avenue Mt. Crescent, CA	Newspaper Ad	Blue Sky Measure, Measure C	X		X	5,000	CALENDAR YEAR 5,000 OTHER
SUBTOTAL \$							14,000	

*See instructions on reverse regarding independent expenditures and cumulative amounts

The following criteria determine when an expenditure is made:

- The date the payment is made;
- or
- The date the goods or services are received, whichever is earlier.

Intermediaries

Candidates and committees must disclose persons who act as intermediaries for contributions of \$100 or more. A person who qualifies as an intermediary must provide the recipient with his/her own name, address, occupation, and employer, and the name, address, occupation, and employer of the true source of the funds. If the contribution aggregates to \$100 or more from the contributor during a calendar year, the recipient of the contribution must disclose both the contributor and the intermediary. (See page 35 for definition of an intermediary.)

Loan Guarantees and Other Enforceable Promises to Make a Payment

In addition to monetary and non-monetary contributions and loans, enforceable promises to make a payment to or at the behest of an officeholder, candidate, or committee are contributions. "Enforceable promises" include:

- Written promises to an officeholder, candidate, or committee for payment of specific goods or services, if the officeholder, candidate, or committee expends funds or enters into an enforceable contract with a third party based on that written promise;
- Loan guarantees, endorsements, security;
- Lines of credit established at a bank or other commercial lending institution for an officeholder, candidate, or committee; or
- Post-dated checks delivered to an officeholder, candidate, or committee.

Aggregation of Contributions or Independent Expenditures Made by Certain Combinations of Individuals or Entities

For purposes of disclosure and contribution limitations, contributions and independent expenditures made by certain combinations of individuals and entities must be added together to determine the cumulative amount of contributions or expenditures made by a contributor. Such individuals and entities may also qualify as a single major donor committee or an independent expenditure committee. (The "cumulative amount" is the total amount of contributions or expenditures made in a calendar year.) Note: See Part V, page 29 for information on contribution limitations.

Contributions and expenditures made by the following combinations of individuals or entities must be aggregated. They will also qualify as one committee, if, together, their independent expenditures total \$1,000 or more, or their contributions total \$10,000 or more, in a calendar year:

- Individuals who make contributions from personal funds and who also have sole authority to direct and control contributions made from other funds.
- Business entities in a parent-subsidiary relationship and business entities with the same controlling owner (more than 50 percent), unless the entities act completely independently in their decisions to make contributions.
- Any number of entities if the same person or a majority of the same persons in fact directs and controls the contributions each entity makes.

In addition, a single campaign statement must be filed if the total contributions or independent expenditures qualify the individuals or entities described in the combinations above as a major donor or independent expenditure committee. The campaign statement must reflect the name of each individual or entity as a "filer" and attribute the amount contributed or expended by each.

All contributions made by individuals or entities described in the combinations above must be added together. If contributions made by these combinations of contributors total \$100 or more during a calendar year, candidates and committees receiving them must itemize such contributions on campaign statements.

Examples:

In May of 1996, Jane Bean made contributions from her personal funds to candidates for city, county and state offices totaling \$6,500. In June, she made an additional \$3,600 contribution from her wholly owned business, Bean's Cafe. Because she directed and controlled the contributions of the business, she must aggregate her personal contributions with those made from the business. Ms. Bean and Bean's Cafe qualified as a single major donor committee and must file Form 461 no later than July 31, 1996, covering the period January 1 through June 30, 1996.

Jake Adams is the CEO for Green Enterprise, Inc., and its subsidiary, the Forest Corporation. He solely directs and controls the contributions made by both companies. In March of 1996, Mr. Adams directed Green Enterprise to make a \$5,000 contribution to a state measure committee. During May, he directed the Forest Corporation to make \$6,000 in contributions to several candidates and officeholders. Green Enterprise, Inc. and the Forest Corporation qualified as a single major donor committee and must file a Form 461 no later than July 31, 1996 covering the period January 1 through June 30, 1996.

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Notification to Candidates and Committees by Contributors Whose Contributions Must Be Aggregated With Others

Individuals or entities considered to be a "combination of contributors," as defined on page 8 must aggregate their contributions. These individuals or entities must also notify recipients that such contributions must be aggregated with other affiliated individuals or entities.

Contributions From Joint Checking Accounts and Qualification as a Major Donor Committee

A contribution in check form that bears the imprinted name of more than one individual must be attributed to the individual who signs the check unless an accompanying document indicates the amount attributed to each. If both individuals sign the check, the contribution must be attributed equally unless an accompanying document indicates otherwise. In either case, each contributing individual must sign the accompanying document.

Example:

Out of community funds, Harold Megabucks and Megan Megabucks each wrote separate checks to Joan Upjohn, an assembly candidate in the March, 1996 election as follows: On February 1, Mr. Megabucks signed and mailed a contribution check for \$5,000 to the Upjohn for Assembly Committee. On February 3rd, Mrs. Megabucks signed and mailed a contribution check from the same joint account for \$9,000 to the Upjohn for Assembly Committee. Neither Mr. Megabucks or Mrs. Megabucks qualified separately or jointly as a major donor committee.

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Payments Made by Agents and Independent Contractors

When an agent or independent contractor (such as a campaign consulting firm or advertising agency) makes expenditures on behalf of a committee, the expenditures must be reported in the same detail as if made directly by the committee. FPPC Regulation Section 18431 specifies the types of expenditures that must be itemized by a committee when made by an agent or independent contractor. The agent or independent contractor must provide the committee with all information required to be reported no later than three working days prior to the date the campaign statement must be filed (or within 24 hours for an expenditure that is a late contribution or a late independent expenditure).

Reporting Payments for Travel Expenses

When itemizing payments or reimbursements for travel expenses or accommodations of a candidate, or his or her representative, or a member of the candidate's household, the date, destination and total expenditure for each trip must be disclosed.

Exception to Calendar Year Cumulation

If a pre-election campaign statement is filed in one year in connection with a city election held in another year, the period over which the cumulative amount is calculated ends on the closing date of the semi-annual statement or report filed after the election.

NOTE: The cumulation period for the statement begins the day after the closing date of the semi-annual statement.

In-Kind Contributions

The value of all in-kind contributions of \$100 or more must be reported in writing to the recipient upon the recipient's written request. (Gov. Code Section 84300.)

Loans Forgiven and Loans Guaranteed

A contribution includes forgiveness of a loan. A loan guarantee for a candidate or committee is an "enforceable promise to make a payment" which must also be reported as a contribution. A person makes an "enforceable promise to make a payment" in connection with a loan if he or she:

- Guarantees a loan;
- Furnishes security for a loan;
- Endorses a loan; or
- Co-signs a loan.

The following information must be provided for loans forgiven and loan guarantees of \$100 or more:

- The date of the loan forgiveness or loan guarantee;
- The name and address of the officeholder, candidate or committee receiving the forgiveness or loan guarantee, and the committee's identification number;
- The office sought or held if the loan forgiveness or loan guarantee is provided to an officeholder or candidate. If the loan forgiveness or loan guarantee is provided to a ballot measure committee, enter the ballot number or letter and the jurisdiction; and
- The amount and cumulative amount of the loan forgiveness or loan guarantee.

Detailed instructions appear on Form 461.

Independent Expenditure Committee and Major Donor Committee Campaign Statement		Type or print in ink. Amounts may be rounded to whole dollars.		INDEPENDENT EXPENDITURE COMMITTEE AND MAJOR DONOR COMMITTEE STATEMENT		
SEE INSTRUCTIONS ON REVERSE		Statement covers period		from <u>1/1/95</u>		
NAME OF FILER		through <u>6/30/95</u>		Page <u>3</u> of <u>3</u>		
XYZ Corporation						
VI Loans Forgiven and Loans Guaranteed (If more space is needed, use additional copies of this page for continuation sheets)						
DATE	NAME AND ADDRESS OF OFFICEHOLDER OR COMMITTEE (ENTER THE I.D. NUMBER OR IF NO I.D. NUMBER HAS BEEN ASSIGNED ENTER THE TREASURER'S NAME AND ADDRESS)	CANDIDATE OR COMMITTEE	OFFICE SOUGHT OR HELD OR BALLOT NO./LETTER AND JURISDICTION	AMOUNT OF LOANS FORGIVEN THIS PERIOD	AMOUNT OF LOANS GUARANTEED THIS PERIOD	CUMULATIVE AMOUNTS TO DATE
2/23/95	Thelma Morton, 2142 Hercules Drive Crunch, CA	I.D. #947562	Senate District 58	2,500		CALENDAR YEAR 2,500 OTHER N/A
3/2/95	Committee of Concerned Citizens, Yes on Measure Z 900 12th Street, Mosswood, CA	I.D. #950202	Measure Z, City of Mosswood		5,000	CALENDAR YEAR 5,000 OTHER N/A
						CALENDAR YEAR OTHER
(Enter the total of Columns (a) and (b) on Line 6, Part III, Summary)				SUBTOTALS	\$ (a) 2,500	\$ (b) 5,000

Loan Payments Received

The following information must be provided for loans of \$100 or more which have been repaid to the filer:

- The name and address of debtor;
- The name and address of person who repaid the loan;
- The amount repaid; and
- The unpaid balance.

Detailed instructions appear on Form 461.

VII Loan Payments Received (if more space is needed, use additional copies of this page for continuation sheets)			
NAME AND ADDRESS OF DEBTOR <small>(IF THE LOAN WAS MADE TO A COMMITTEE, LIST THE COMMITTEE'S NAME, ADDRESS AND I.D. NUMBER. IF NO I.D. NUMBER HAS BEEN ASSIGNED, LIST THE TREASURER'S NAME AND ADDRESS)</small>	NAME AND ADDRESS OF PERSON WHO REPAID THE LOAN <small>(IF DIFFERENT THAN DEBTOR)</small>	AMOUNT REPAID THIS PERIOD	UNPAID BALANCE
Matthew Morrison Committee 100 South Dawn Blvd. Uptown, CA I.D. #944433		5,000	3,000
Friends of Woodrow Silverman 300 Bullet Street Downtown, CA I.D. #944422	Happy Camp Tailors 5002 Broadway Downtown, CA	1,000	0

Additional Special Reports

Amendment to Campaign Disclosure Statement, Form 405

Form 405 is used to amend campaign disclosure statements. A separate Form 405 should be used for each campaign statement amended.

If a major donor or independent expenditure committee is an individual, that individual must sign and verify the Form 405. If the committee is an entity, such as a corporation or partnership, the Form 405 must be signed by a responsible officer of the entity, or by an attorney or certified public accountant who acts as an agent for the entity. The officer, accountant, or attorney must verify the accuracy and completeness of the Form 405.

There is no deadline for filing a Form 405. However, all such amendments should be filed as soon as practical.

Detailed instructions appear on the Form 405.

Amendment to Campaign Disclosure Statement		Type or print in ink	Date Stamp	AMENDMENT For Official Use Only
<p>This form must be used to amend statements filed pursuant to Government Code Sections 84200-84216.5, and must be filed with all filing officers who received the statement being amended. NOTE: Do not use this form to amend a Statement of Organization Form 410, Candidate Intention Form 501, or a Campaign Bank Account Form 502. Use the actual Form 410, 501 or 502 respectively to make amendments.</p> <p>The information required in Part I must correspond to the information provided on the campaign statement being amended.</p>				
I Name of Filer (See important information on reverse)		II Amendment Information		
NAME OF FILER XYZ Corporation		A The following information amends campaign disclosure statement, Form No. <u>461</u>		
MAILING ADDRESS OF FILER (NO AND STREET) 111 Northview Street		executed on <u>1/15/95</u> for the period <u>7/1/94</u> through <u>12/31/94</u> <small>(MO DAY YR) (MO DAY YR) (MO DAY YR)</small>		
CITY STATE ZIP CODE Mt Crescent CA 93874		B The amended information affects items on the		
AREA CODE/DAYTIME PHONE NUMBER (916) 356-9876		<input type="checkbox"/> Cover Page <input type="checkbox"/> Allocation Page <input type="checkbox"/> Summary Page		
NAME OF TREASURER IF RECIPIENT COMMITTEE		<input type="checkbox"/> Schedule(s) _____ <input type="checkbox"/> Part(s) <u>V</u>		
PERMANENT ADDRESS OF TREASURER (IF APPLICABLE) (NO AND STREET)		C Describe the changes below. Include in detail all information you wish to become a part of your official campaign statement. Please attach a cover page, summary page and/or appropriate schedule(s) to this Form 405 if necessary for clarification. Include additional information on appropriately labeled continuation sheets. (Number of sheets attached _____)		
CITY STATE ZIP CODE		Committee ID numbers (unknown at the time of filing)		
AREA CODE/DAYTIME PHONE NUMBER		Committee to Elect Sam Jones -- ID #94444 Sally Rogers For State Assembly Committee -- ID # 943421		
III Verification (See important information on reverse)				
I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on _____ DATE _____		By _____ SIGNATURE OF TREASURER OR FILER		
AT _____ CITY AND STATE _____		OFFICER, CANDIDATE, STATE MEASURE PROPONENT, OR SPONSORED COMMITTEE RESPONSIBLE OFFICER VERIFICATION: I have used all reasonable diligence and to the best of my knowledge the treasurer has used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.		
Executed on <u>2/10/95</u> DATE _____		By _____ SIGNATURE OF OFFICER, CANDIDATE, PROPONENT OR RESPONSIBLE OFFICER		
AT <u>Mt. Crescent, CA</u> CITY AND STATE _____		(Signature Required)		
Executed on _____ DATE _____		By _____ SIGNATURE OF OFFICER, CANDIDATE OR PROPONENT		
AT _____ CITY AND STATE _____		By _____ SIGNATURE OF OFFICER, CANDIDATE OR PROPONENT		
Executed on _____ DATE _____		By _____ SIGNATURE OF OFFICER, CANDIDATE OR PROPONENT		
AT _____ CITY AND STATE _____		By _____ SIGNATURE OF OFFICER, CANDIDATE OR PROPONENT		
FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICES ACT OF 1977 SEE REGISTRATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL REFORM ACT.				
State of California Fair Political Practices Commission				

Supplemental Independent Expenditure Report, Form 465

If a major donor or independent expenditure committee makes independent expenditures of \$500 or more in a calendar year to support or oppose a candidate, a measure, or the qualification of a measure, it must file a Form 465. (See page 34 for a definition of "independent expenditure.") Form 465 must be filed in addition to any other campaign statements required.

A separate Form 465 must be filed for each candidate or measure the independent expenditure supported or opposed. Form 465 must be filed at the same times and with each filing officer with whom the candidate supported or opposed by the independent expenditure, or a committee primarily formed to support or oppose the measure, is regularly required to file campaign statements.

NOTES:

- When a Form 465 is filed as a "second pre-election statement" (the statement due 12 days before the election), it must be filed by guaranteed overnight mail or personal delivery.

- Form 465 covers the period that begins on the day after the closing date of the most recent Form 465 filed relating to the candidate or measure supported or opposed or January 1, if no previous Form 465 has been filed in connection with that candidate or measure. The period ends on the closing date of the campaign statement filed in connection with that election.
- Information disclosed on a Form 465 must also be disclosed on the major donor or independent expenditure committee's regular campaign statement, Form 461.
- If a major donor or independent expenditure committee is an individual, that individual must sign and verify Form 465. If the committee is an entity, such as a corporation or partnership, Form 465 must be signed by a responsible officer of the entity, or by an attorney or certified public accountant who acts as an agent for the entity. The officer, accountant, or attorney must verify the accuracy and completeness of the statement.

Detailed instructions appear on Form 465.

Supplemental Independent Expenditure Report <small>(Government Code Section 84203.5) SEE INSTRUCTIONS ON REVERSE</small>		<small>Type or print in ink. Amounts may be rounded to whole dollars.</small>	SUPPLEMENTAL INDEPENDENT EXPENDITURE		
For use by an official, candidate, or committee making independent expenditures totaling \$500 or more in a calendar year to support or oppose a single candidate or a single measure. This form must be filed at the same times and places as the campaign statements filed by the candidate supported or opposed or by a committee primarily formed to support or oppose the measure. A separate form must be filed for each candidate or measure being supported or opposed. This form is filed in addition to any other required campaign statements.			Report covers period from <u>1/1/95</u> through <u>6/30/95</u> Date of election if applicable (Month, Day, Year) <u>6/6/95</u>	Date Stamp	Page <u>1</u> of <u>2</u> <small>For Official Use Only</small>
I Filer Information		NAME OF TREASURER (IF RECIPIENT COMMITTEE)			
NAME OF FILER <u>XYZ Corporation</u>		PERMANENT ADDRESS OF TREASURER (NO AND STREET)			
ID NUMBER (IF RECIPIENT COMMITTEE)		CITY STATE ZIP CODE			
ADDRESS OF COMMITTEE (NO AND STREET) <u>111 Northview Street</u>		AREA CODE/DAYTIME PHONE NUMBER			
CITY STATE ZIP CODE <u>Mt Crescent CA 93874</u>					
AREA CODE/PHONE NUMBER <u>(916) 356-9876</u>					
II Type of Committee <small>(check one)</small>		III Name of Candidate or Measure Supported or Opposed			CHECK ONE
Is this a controlled committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF CANDIDATE OFFICE SOUGHT OR HELD			SUPPORT OPPOSE
Is this a sponsored committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF BALLOT MEASURE BALLOT NO / LETTER JURISDICTION			SUPPORT OPPOSE
		<u>Blue Sky Measure C Mt Crescent</u>			<input checked="" type="checkbox"/> <input type="checkbox"/>
IV Independent Expenditures Made <small>Attach additional information on appropriately labeled continuation sheets</small>					
DATE	NAME AND ADDRESS OF PAYEE	DESCRIPTION OF EXPENDITURE	AMOUNT	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	
6/1/95	Broadway News 4251 Eighth Avenue Mt. Crescent, CA 93874	Purchase of full page ad	\$5,000	\$5,000	

FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICE ACT OF 1977 SEE REGISTRATION MANUAL ON CONTRIBUTOR DISCLOSURE PROCEDURES OF THE POLITICAL REFORM ACT
State of California Fair Political Practices Commission

Form 465 - Con't

Example:

The Box Corporation made several contributions to state and local candidates totaling \$10,000 during April and May, 1996. It filed a semi-annual statement, Form 461, on July 20th, covering the period January 1 through June 30, 1996. On October 10th it made an independent expenditure for an ad supporting Daniel Wellington, a candidate for Mayor, City of Hampton. The ad cost \$1,700. Because the cost of the ad exceeded \$500, the corporation must file a Form 465, Supplemental Independent Expenditure Report with the Hampton City Clerk's office. The period covered by the Form 465 is January 1 through October 19th, due October 24, 1996. Because the Form 465 was filed as a second "pre-election statement," the corporation must file it by guaranteed overnight delivery or personally deliver the form to the city clerk's office.

In addition, Box Corporation must file a semi-annual statement, Form 461, on or before January 31, 1997, covering the period July 1 through December 31, 1996, reporting the independent expenditure made on behalf of Wellington and any other contributions or independent expenditures made during the period. Because the corporation made contributions during the year to state and local candidates, it must file as a state major donor committee and file its form with the Secretary of State, the counties of San Francisco and Los Angeles and its county of domicile if different than San Francisco or Los Angeles.

Supplemental Independent Expenditure Report		Type or print in ink Amounts may be rounded to whole dollars	SUPPLEMENTAL INDEPENDENT EXPENDITURE		
SEE INSTRUCTIONS ON REVERSE			Report covers period from <u>1/1/95</u> through <u>6/30/95</u>	465	
NAME OF FILER XYZ Corporation			Page <u>2</u> of <u>2</u>	I.D. NUMBER (if not blank Com.)	
V Filing Officers Enter the official title and address of each filing officer with whom most recent campaign statements have been filed					
1) OFFICIAL TITLE OF FILING OFFICER Secretary of State		3) OFFICIAL TITLE OF FILING OFFICER Registrar of Voters, City and County of San Francisco			
ADDRESS (NO AND STREET) P O Box 1467		ADDRESS (NO AND STREET) 633 Folsom Street, Ste 109			
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
Sacramento	CA	95812-1467	San Francisco	CA	94107
2) OFFICIAL TITLE OF FILING OFFICER Registrar-Recorder of Los Angeles Co		4) OFFICIAL TITLE OF FILING OFFICER New County Clerk			
ADDRESS (NO AND STREET) 12400 Imperial Highway		ADDRESS (NO AND STREET) 400 Main Avenue			
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
Norwalk	CA	90650-3134	Mt Crescent	CA	93874
VI Summary					
1 Total independent expenditures made of \$100 or more this period (Part IV)				\$ <u>5,000</u>	
2 Total independent expenditures under \$100 made this period (Not itemized)				\$ <u>0</u>	
3 Total independent expenditures (Add Lines 1 + 2)				TOTAL \$ <u>5,000</u>	
VII Verification					
I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Executed on <u>7/15/95</u>	At <u>Mt Crescent, CA</u>	By _____ (Signature Required)			
DATE	CITY AND STATE	SIGNATURE OF COMMITTEE TREASURER, INDIVIDUAL OR RESPONSIBLE OFFICER			
An officeholder, candidate, or state measure proponent who controls a committee must also verify the campaign statement. I have used all reasonable diligence and to the best of my knowledge the treasurer has used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Executed on _____	At _____	By _____			
DATE	CITY AND STATE	SIGNATURE OF OFFICEHOLDER, CANDIDATE OR PROponent			
Executed on _____	At _____	By _____			
DATE	CITY AND STATE	SIGNATURE OF OFFICEHOLDER, CANDIDATE OR PROponent			
Executed on _____	At _____	By _____			
DATE	CITY AND STATE	SIGNATURE OF OFFICEHOLDER, CANDIDATE OR PROponent			

Late Independent Expenditure Report

Major donor and independent expenditure committees that make late independent expenditures (see page 34 for the definition "independent expenditure) must file Late Independent Expenditure Reports.

A late independent expenditure is an independent expenditure that:

- Totals \$1,000 or more;
- Supports or opposes a single candidate or measure; and
- Is made during the 16 days immediately preceding the election in which the candidate or measure supported or opposed is to be voted upon.

NOTE: To determine whether a communication that expressly advocates the election or defeat of two or more candidates/measures is a late independent expenditure, divide the total cost of the communication by the number of candidates/measures supported or opposed. When two or more candidates/measures are supported or opposed, but are not featured equally, a reasonable apportionment may be used

A Late Independent Expenditure Report must be sent within 24 hours of the time it is made and filed via telegram, guaranteed overnight delivery service, personal delivery or fax. Regular mail may not be used.

The Late Independent Expenditure Report must be filed in the same jurisdictions the candidate supported or opposed, or the committee primarily formed to support or oppose the measure, is regularly required to file campaign statements.

A Late Independent Expenditure Report must include:

- The major donor or independent expenditure committee's full name and street address;
- The name, office, and district of the candidate supported or opposed or, if related to a measure, the number or letter of the measure and the jurisdiction of the election in which the measure is to be voted on; and
- The amount, date and description of the late independent expenditure.

Late Independent Expenditure Report Example

LATE INDEPENDENT EXPENDITURE REPORT

To: Name and Address of Filing Officer

Filer: XYZ Corporation
111 Northview Street
Mt. Crescent, CA 93874

LATE INDEPENDENT EXPENDITURE MADE IN SUPPORT OF:

MEASURE C
City of Mt. Crescent

Date: 6/1/95

Amount: \$5,000

Description: Purchase of full page ad in Broadway News

See Late Independent Expenditure Report, Form 496, on page 16.

Late Independent Expenditure Report/Form 496 - Con't

IMPORTANT:

- The same information must be reported on the next regular campaign statement, Form 461, filed by the committee.
- The committee will be required to file Form 465, Supplemental Independent Expenditure Report. (See page 13 for information concerning Form 465.)
- Form 496, Late Independent Expenditure Report, may be used to report late independent expenditures or, if the Form 496 is not used, the suggested format shown on page 15 may be used in lieu of Form 496.

Detailed instructions appear on Form 496

Example:

Six days before the city of Dunlop's April, 1995 election, the Pacific Company ran a television ad supporting Measure B, the clean air measure appearing on the city's ballot. The ad was produced independently of any other committee. The cost of the ad was \$1,200. The Pacific Company must file a Late Independent Expenditure Report with the city clerk of Dunlop within 24 hours of the time the payment was made or the ad was broadcast, whichever is earlier. The Pacific Company must also file Form 465, Supplemental Independent Expenditure Report, with the city clerk of Dunlop. The period covered on the Form 465 and the filing deadline is based on the city's April, 1995 election filing schedule. The Pacific Company must also file Form 461 semi-annual statement due no later than July 31, 1995.

0000000000

Late Independent Expenditure Report		<small>Type or print in ink. Amounts may be rounded to whole dollars.</small>		LATE INDEPENDENT EXPENDITURE REPORT	
SEE INSTRUCTIONS ON REVERSE				<small>Date Stamp</small>	<small>For Official Use Only</small>
				<small>NAME OF FILER</small> XYZ Corporation	
<small>AREA CODE/DAYTIME PHONE NUMBER</small> (916) 356-9876		<small>ID NUMBER (if applicable)</small>		<small>CITY</small> Mt Crescent	
<small>STATE</small> CA		<small>ZIP CODE</small> 93874			
<small>Late Independent Expenditures (List One Candidate or Ballot Measure Per Form)</small> <small>NAME OF CANDIDATE SUPPORTED OR OPPOSED</small>			<small>NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED</small> Blue Sky Measure		
<small>OFFICE SOUGHT OR HELD/DISTRICT NO</small>		<small>SUPPORT</small>	<small>OPPOSE</small>	<small>BALLOT NO./LETTER</small> Measure C	
				<small>JURISDICTION</small> Mt Crescent	
				<small>SUPPORT</small>	
				<small>OPPOSE</small> X	
<small>Late Independent Expenditures Made (attach additional information on appropriately labeled continuation sheets)</small>					
<small>DATE</small>	<small>DESCRIPTION OF EXPENDITURE</small>			<small>AMOUNT</small>	
6/1/95	Purchase of full page ad in Broadway News			\$5,000	
<small>FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICES ACT OF 1977, SEE INFORMATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL REFORM ACT</small>					
<small>State of California Fair Political Practices Commission</small>					

Late Contribution Report

Major donor and independent expenditure committees that make late contributions must file a Late Contribution Report.

A late contribution is a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans, that:

- Totals \$1,000 or more and is made to an officeholder, candidate, controlled committee, or a committee formed to support or oppose a candidate(s) or measure(s); and
- Is made during the late contribution reporting period. This period is the 16 days immediately preceding the election in which the recipient candidate or measure is to be voted on.

A Late Contribution Report must be filed at the same locations the filer regularly files campaign statements. The report must be sent via telegram, guaranteed overnight delivery service, personal delivery or fax. Regular mail may not be used. The report must be filed within 24 hours of the time the late contribution was made.

A late contribution is made on the date the contribution is mailed, delivered, or otherwise transmitted. The date of the check may not be used unless it is also the date the contribution was mailed or delivered. Documents should be maintained which verify the date the late contribution was delivered.

The recipient must also file a report within 24 hours of the time the late contribution was received

Late contributions do not include contributions to general purpose committees, and to officeholders, candidates, and ballot measure committees not currently involved in an election.

A major donor or independent expenditure committee that makes a late contribution must provide the following information:

- The filer's full name and street address;
- The full name and street address of the recipient. If the recipient is a candidate, the office the candidate seeks must be included. If the recipient is a ballot measure committee, the ballot measure letter or number and the jurisdiction of the election must be included;
- The date of the contribution;
- The amount of the contribution; and
- State committees must report the date of the election if the late contribution was made to a city or county candidate or committee.

NOTES:

- The contributor must report this information on the next regular campaign statement (Form 461) filed by the committee.
- Form 497, Late Contribution Report, may be used to report late contributions or, if the Form 497 is not used, below is a suggested format which may be used in lieu of Form 497.

Detailed instructions appear on Form 497.

Late Contribution Report Example

LATE CONTRIBUTION REPORT			
To:	Name and Address of Filing Officer		
Filer:	XYZ Corporation 111 Northview Street Mt. Crescent, CA 93874		
Made to:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 2px;">1. Kelly Valentine for Mayor 5160 Hays Street Freeland, CA 91010</td> <td style="width: 50%; padding: 2px;">2. Bruce Wills for Supervisor 1819 First Avenue Old City, CA</td> </tr> </table>	1. Kelly Valentine for Mayor 5160 Hays Street Freeland, CA 91010	2. Bruce Wills for Supervisor 1819 First Avenue Old City, CA
1. Kelly Valentine for Mayor 5160 Hays Street Freeland, CA 91010	2. Bruce Wills for Supervisor 1819 First Avenue Old City, CA		
Date:	3/2/95 3/2/95		
Amount:	\$2,000 \$2,500		
Date of Election:	3/7/95 3/7/95		

See Late Contribution Report, Form 497, on page 18.

Late Contribution Report/ Form 497 - Con't

Late Contribution Report

SEE INSTRUCTIONS ON REVERSE

Filer Must Check Applicable Box

Reporting Late Contribution(s) Received *

Reporting Late Contribution(s) Made

Complete Part: I

II

Type or print in ink. Amounts may be rounded to whole dollars.

LATE CONTRIBUTION REPORT

Date Stamp

For Official Use Only

NAME OF FILER

XYZ Corporation

AREA CODE/PHONE NUMBER
(916) 356-9876

I.D. NUMBER (if applicable)

STREET ADDRESS

111 Northview Street

CITY
Mt. Crescent

STATE ZIP CODE
CA 93874

Late Contribution(s) Received From:

NAME I.D. NUMBER (if applicable)

ADDRESS CITY STATE ZIP CODE

OCCUPATION/EMPLOYER OR NAME OF BUSINESS IF SELF-EMPLOYED (if applicable)

DATE RECEIVED AMOUNT \$

NAME I.D. NUMBER (if applicable)

*Major donor committees and independent expenditure committees do not receive contributions

DATE RECEIVED AMOUNT \$

NAME I.D. NUMBER (if applicable)

ADDRESS CITY STATE ZIP CODE

OCCUPATION/EMPLOYER OR NAME OF BUSINESS IF SELF-EMPLOYED (if applicable)

DATE RECEIVED AMOUNT \$

II Late Contribution(s) Made To:

NAME OF CANDIDATE OR COMMITTEE I.D. NUMBER

Kelly Valentine for Mayor 953879

ADDRESS CITY STATE ZIP CODE

5160 Hays Street Freeland, CA 91010

OFFICE SOUGHT BY CANDIDATE OR BALLOT NO./LETTER AND JURISDICTION

Mayor

DATE MADE AMOUNT \$ DATE OF ELECTION

3 / 2 / 95 \$ 2,000 3 / 7 / 95

NAME OF CANDIDATE OR COMMITTEE I.D. NUMBER

Bruce Wills for Supervisor 950321

ADDRESS CITY STATE ZIP CODE

1819 First Avenue Old City, CA 90000

OFFICE SOUGHT BY CANDIDATE OR BALLOT NO./LETTER AND JURISDICTION

Supervisor, Hampton County

DATE MADE AMOUNT \$ DATE OF ELECTION

3 / 2 / 95 \$ 2,500 3 / 7 / 95

NAME OF CANDIDATE OR COMMITTEE I.D. NUMBER

ADDRESS CITY STATE ZIP CODE

OFFICE SOUGHT BY CANDIDATE OR BALLOT NO./LETTER AND JURISDICTION

DATE MADE AMOUNT \$ DATE OF ELECTION

FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICES ACT OF 1977, SEE INFORMATION MANUAL ON CAMPAIGN DISCLOSURE PROVISIONS OF THE POLITICAL INFORMATION ACT

State of California Fair Political Practices Commission

**Special Odd-Year Campaign Report,
Form 461**

During an odd-numbered year such as 1995, major donor and independent expenditure committees must file the Special Odd-Year Campaign Report set out below if they make a contribution or any number of contributions totaling \$5,000 or more to elected state officers, their controlled committees, or to committees primarily formed to support or oppose any elected state officer during the period covered by the Special Odd-Year Report.

Effective January 1, 1994, major donor committees and independent expenditure committees are required to file the Special Odd-Year Campaign Report disclosing the contributions even if they filed a Report of Lobbyist Employer (Form 635). (Chapter 218, Stats. 1993.)

Special Odd-Year Campaign Reports are filed on Form 461 in the same places the committee files its regular campaign statements. When a committee files its next regular campaign statement, the period covered will begin on the day after the closing date of the Special Odd-Year Campaign Report the committee filed.

Example:

ZYX Corporation made contributions totaling \$8,000 to several senators in February, 1995. The corporation made an additional \$6,000 contribution in March to a candidate for county supervisor. ZYX Corporation qualified as a major donor committee and must file a special odd-year campaign report because it made contributions totaling \$5,000 or more to elected state officers during the period January 1 through March 31. The odd-year report is due May 1, 1995. ZYX Corporation must also file a semi-annual statement covering the period April 1 through June 30, 1995, due no later than July 31, 1995.*

.....

Special Odd-Year Campaign Report Filing Schedule	
<u>Period Covered</u>	<u>Filing Deadline</u>
January 1 through March 31	April 30
July 1 through September 30	October 31

* Because April 30 is a Sunday, the filing deadline is extended to Monday, May 1.

Filing Schedules

The Political Reform Act sets forth specific deadlines for filing campaign statements.

Campaign statements must be filed in a timely manner. Failure to file appropriate statements in compliance with the Act can result in substantial criminal, civil, and administrative penalties. Failure to file within the prescribed deadlines can lead to late filing penalties of \$10 for each day the statement is late.

Except for deadlines that fall on a Saturday, Sunday, or official state holiday, no provisions exist for extensions of filing deadlines.

The following criteria determine when a campaign statement is considered filed.

Method of Delivery	Considered Filed
Personal delivery	On date delivered
Guaranteed overnight delivery	On date delivery service receives material
Fax*	On date of transmittal
First class mail	On date of postmark. (If not received, sender must possess post office receipt with date of deposit and filing officer's name and address.)

- * A Form 461 or 465 that contains 30 pages or less may be faxed provided that the required original (a copy containing an original signature) and the required copies are sent by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.

1995/1996 Modified Filing Schedule For Elections Held on Dates Other Than:

- **June 6, 1995** (See page 22.)
- **November 7, 1995** (See page 22.)
- **March 26, 1996** (See page 23.)
- **November 5, 1996** (See page 23.)
- **June 4, 1996** (See page 24.)

<i>FILING DEADLINE</i>	<i>TYPE OF STATEMENT</i>	<i>PERIOD COVERED BY STATEMENT</i>	<i>METHOD OF DELIVERY</i>
40 days before the election	First Preelection	*(see notes) through 45 days before the election	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
12 days before the election	Second Preelection	44 days through 17 days before the election	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	16 days prior to the election	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
12 days before the run-off election	Pre-run-off-election	16 days before first election through 17 days before the run-off election	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
July 31	Semi-Annual (If election held during 1st six months)	*(see notes) through June 30	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
January 31	Semi-Annual (If election held during 2nd six months)	* through December 31	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

NOTES:

The period covered by any statement begins on the day after the closing date of the last statement filed, OR January 1 if no previous statement has been filed.

Pre-election statements are applicable only to city major donor and independent expenditure committees. See page 4 for information.

If the run-off election is held more than 60 days after the first election, two preelection statements must be filed. Call your filing officer to obtain filing deadlines.

Certain pre-election and semi-annual statements may be faxed. See "Notes" on page 25 for information concerning faxed statements.

The Commission recommends filers contact the FPPC for state elections and their local filing officer for local elections to verify campaign filing deadlines.

June 6, 1995 and November 7, 1995 Election Filing Schedules

June 6, 1995

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
April 27	First Preelection	1/1/95 - 4/22/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
May 25	Second Preelection	4/23/95 - 5/20/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	5/21/95 - 6/5/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
July 31	Semi-Annual	5/21/95 - 6/30/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

November 7, 1995

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
September 28	First Preelection	*(see notes) - 9/23/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
October 26	Second Preelection	9/24/95 - 10/21/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	10/22/95 - 11/6/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
January 31, 1996	Semi-Annual	10/22/95 - 12/31/95	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

NOTES:

The period covered by any statement begins on the day after the closing date of the last statement filed, OR January 1, if no previous statement has been filed.

Certain pre-election and semi-annual statements may be faxed. See "Notes" on page 25 for information concerning faxed statements.

Pre-election statements are applicable only to city major donor and independent expenditure committees. See page 4 for information.

1996 Primary and General Election Filing Schedules

March 26, 1996/Primary Election

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
February 15	First Preelection	1/1/96 - 2/10/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
March 14	Second Preelection	2/11/96 - 3/9/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	3/10/96 - 3/25/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
July 31	Semi-Annual	3/10/96 - 6/30/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

November 5, 1996/General Election

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
October 5 (Saturday--File no later than Oct 7)	First Preelection	*(see notes) - 9/30/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
October 24	Second Preelection	10/1/96 - 10/19/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	10/20/96 - 11/4/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
January 31, 1997	Semi-Annual	10/20/96 - 12/31/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

NOTES:

The period covered by any statement begins on the day after the closing date of the last statement filed, OR January 1, if no previous statement has been filed.

Certain pre-election and semi-annual statements may be faxed. See "Notes" on page 25 for information concerning faxed statements.

Pre-election statements are applicable only to city major donor and independent expenditure committees. See page 4 for information.

June 4, 1996 Election Filing Schedule

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
March 22	First Preelection	1/1/96 - 3/17/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
May 23	Second Preelection	3/18/96 - 5/18/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail
24 Hours	Late Contribution Late Independent Expenditure	5/19/96 - 6/3/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> Telegram <input type="checkbox"/> Guaranteed Overnight Service <input type="checkbox"/> Fax
July 31	Semi-Annual	5/19/96 - 6/30/96	<input type="checkbox"/> Personal Delivery <input type="checkbox"/> First Class Mail

NOTES:

The period covered by any statement begins on the day after the closing date of the last statement filed, OR January 1, if no previous statement has been filed.

Certain pre-election and semi-annual statements may be faxed. See "Notes" on page 25 for information concerning faxed statements.

Pre-election statements are applicable only to city major donor and independent expenditure committees. See page 4 for information.

Part III.

Where Must Statements Be Filed

Important Addresses for Filing Campaign Statements

Secretary of State*
Political Reform Division
P.O. Box 1467
1500 11th Street
Sacramento, CA 95812-1467
Fax: (916) 653-5045

*Please mail or deliver campaign statements to the Secretary of State at the Sacramento address, or deliver to the Secretary of State, 107 South Broadway, Room 4001 Los Angeles, CA 90012

Registrar-Recorder of Los Angeles County
Campaign Reporting Unit
12400 Imperial Highway
Norwalk, CA 90650-3134
Fax: (310) 462-3030

Registrar of Voters, City and County of San Francisco
Campaign Statements
633 Folsom Street, Suite 109
San Francisco, CA 94107
Fax: (415) 554-7344

NOTES:

- An "original" copy of a campaign statement is one which contains an original signature of the treasurer and other individual(s), required to sign the statement.
- Campaign statements which contain 30 pages or less may be faxed provided that the required original and the required copies are sent to the filing officer(s) by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline. Late Contribution and Late Independent Expenditure Reports may be faxed but are not also required to be mailed.

Independent Expenditure Committee and Major Donor Committee Campaign Statement, Form 461

- State committees file:
 - An original and one copy with the Secretary of State
 - Two copies with the Registrar-Recorder of Los Angeles County.
 - Two copies with the Registrar of Voters of the City and County of San Francisco.
 - Two copies with the filer's county of domicile if different than the county receiving the original statement.**
- County committees file:
 - An original and one copy with the clerk of the county in which the committee is active.
 - Two copies with the filer's county of domicile if different than the county receiving the original statement.**
- City committees file:
 - An original and one copy with the city clerk.

NOTE: As stated in the introduction to this manual, substantial civil and criminal penalties may result if campaign statements are not filed in compliance with the Act. Late filing penalties, at the rate of \$10 per day, may also accrue if forms are not filed on time. Provisions do not exist for the extension of due dates.

**If the committee address is outside California, Los Angeles is considered the county of domicile.

Supplemental Independent Expenditure Report, Form 465

Form 465 must be filed with each filing officer with whom the candidate or measure being supported or opposed by the independent expenditure is regularly required to file its campaign statements.

Example:

Three days before the November 5, 1996 election, Megabucks Corporation, a state major donor committee, sent a mailing supporting Measure Z in the City of Hope. It produced the mailing independently of any other committee. The cost of the mailing was \$800. In addition to any other campaign statement the corporation is required to file, it must file a Form 465 with the city clerk of Hope no later than January 31, 1997. The period covered on the Form 465 is based on the November election filing schedule.

Late Independent Expenditure Report, Form 496

A Late Independent Expenditure Report must be filed with each filing officer with whom the candidate or measure supported or opposed by the independent expenditure is regularly required to file campaign statements.

Late Contribution Report, Form 497

A Late Contribution Report must be filed at the same location(s) that the filer is required to file its regular campaign statements.

Special Odd-Year Campaign Report, Form 461

If a Form 461 is being filed as a special odd-year campaign report, it is filed in the same places where the committee is required to file its regular campaign statements.

Part IV.

Mass Mailings

Identification Requirements for Mass Mailings

A mass mailing is more than 200 substantially similar pieces sent within a calendar month by a candidate or committee (including a major donor or independent expenditure committee).

The sender of a mass mailing is the candidate or committee who pays for the largest portion of the mailing. The sender must be identified by name, address, and city on the outside of the mailing. A post office box may not be used.

If two or more committees pay an equal share of the costs of the mailing, at least one of them must be identified on the outside of the mailing, and all of them must be identified on the inside of the mailing.

In the case of a mass mailing paid for by a committee at the behest of another officeholder, candidate, or committee (i.e., mass mailings that are in-kind contributions), the committee that pays for the mailing must be identified as the sender of the mailing.

Type size must be at least six points, printed in a color or typeface that contrasts with the background.

NOTE: The Political Reform Act does not require identification of newspaper, television, radio, or other campaign-related advertisements or materials, including circulation of handouts door to door, that support or oppose candidates and measures. In addition, the Act does not regulate the content of mailings or other campaign-related advertisements or materials (e.g., false or misleading statements).

Campaign Printed Matter Other Than a Mass Mailing

For information on identification requirements for campaign-related printed materials other than a mass mailing, contact your city attorney, district attorney, or the State Attorney General's office.

Part V.

Contribution Limitations

Contribution Limits

As currently interpreted by the courts, the Act imposes contribution limitations only in special elections (including special runoff elections) when they are held for the purpose of filling an elective office that has become vacant.

"Special election cycle" means the period from the day the office becomes vacant until the day of the special election.

"Special runoff election cycle" means the period from the day after the special election until the day of the special runoff election.

The limitations apply separately for each of these cycles. For example, when a candidate is being voted upon in a special election, contributors may contribute up to the stated limits to the candidate's election. If the candidate is also being voted upon in a special runoff election, contributors may make additional contributions up to the stated limits in the special runoff election cycle to the candidate's special election committee.

Contributions may be received before the elective office becomes vacant as long as the candidate has filed a Candidate Intention, Form 501, for that office. In addition, contributions may be received after the special election, or if a special runoff election is necessary, after the special runoff election. However, all contributions received by or transferred to a special election account are subject to the contribution limitations regardless of when they are received or transferred.

Examples:

When a candidate is being voted upon in a special election, a major donor may contribute \$1,000 to the candidate's separate committee established for the special election. If the candidate is also being voted upon in a special runoff election, the same contributor may make a \$1,000 contribution in the special runoff election.

After a special election

A major donor that did not make contributions to a candidate in a special election or in a special run-off election may "make up" the contributions after the final election. I.e., the major donor may make a \$1,000 contribution in connection with the special election and if a special run-off election was held, a \$1,000 contribution in connection with the special run-off election.

In addition, some cities and counties have adopted local ordinances that impose contribution limits within their jurisdictions. For information concerning city and county campaign ordinances, call the specific city or county in question.

NOTES:

- A major donor or independent expenditure committee may not make a contribution of more than \$1,000 during the special election cycle and may not make a contribution of more than \$1,000 during the run-off election cycle.
- For purposes of limitations, contributions made by two or more entities may be required to be aggregated. See Part II, page 8, for information on aggregation of contributions.

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Part VI.

Prohibitions

Gift and Honoraria Prohibitions

The information in this section is contained in the Act's lobbying and conflict of interest provisions. This section is to alert you to other provisions and prohibitions of the Act that may affect you.

Honoraria

"Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

- State and local elected officers and candidates for local elected office are prohibited from accepting any honoraria. In addition, most state and local employees are also subject to restrictions.

Exceptions: "Honorarium" does not include earned income for personal services customarily provided in connection with the practice of a bona fide business, trade, or profession. In addition, certain travel payments are not subject to the prohibition.

Gifts

- State and local elected officers and candidates for state and local elected offices may not accept gifts from any single source with a value greater than \$280 in a calendar year. In addition, certain state and local employees are also subject to restrictions.
- **Exceptions:** The following are not prohibited or limited:
 - Payments, advances, or reimbursements for certain types of travel and related lodging and subsistence. Contact the Commission for information on permissible payments for travel.
 - Tickets to a political fundraiser.
 - Tickets to a fundraising event for a 501(c)(3) organization.

Contact the Commission for a complete list of exceptions.

Prohibition on Gifts from Lobbyists and Lobbying Firms to STATE Officials

Lobbyists and lobbying firms registered in California are prohibited from making or arranging for gifts with an aggregate value of more than \$10 in a calendar month to:

- Elected state officers (legislators, constitutional officers);
- Legislative officials (employees of the State Legislature); and

- Certain state agency employees.

Although the \$10 gift limit does not apply to employers of lobbyists, the \$280 gift limit does apply.

Refer to the FPPC Information Manual on Lobbying Disclosure Provisions of the Political Reform Act for detailed information. (Gov. Code Section 86203.)

General Prohibitions

The Political Reform Act imposes certain prohibitions on major donor and independent expenditure committees. This part of the manual sets forth these prohibitions in detail.

Liability for Violations of the Political Reform Act

Any person who has filing obligations under the Act or who receives compensation in connection with activities the Act governs (such as an agent or independent contractor) and who causes or assists someone to violate the Act is subject to administrative sanctions. (Gov. Code Section 83116.5.)

Monetary Contributions and Expenditures

Monetary contributions and expenditures of \$100 or more may not be made or received in cash. A written instrument, such as a check, that contains names of both the payee and the donor, must be used. Likewise, a cashier's check may not be used to make contributions of \$100 or more unless the names of both the payee and donor appear on the check. (Gov. Code Section 84300.)

Use of Legal Name

No contributions may be made directly or indirectly in a name other than the name by which the contributor is identified for legal purposes. (Gov. Code Section 84301.)

Contributions by an Intermediary or Agent

A person may not make a contribution of \$100 or more, including a loan, on behalf of another while acting as an intermediary or agent, unless the person discloses the following to the recipient of the contribution:

- The intermediary or agent's full name, street address, occupation, and employer's name, if any, or the name of the business, if self-employed; and
- The full name of the actual source of the contribution, his/her street address, occupation, and employer's name, if any, or the name of the business, if self-employed. (Gov. Code Section 84302.)

When the information on the written instrument that contains the contribution is different than the name of the person who actually made the contribution, the person whose name is on the check is acting as an intermediary.

Expenditures by an Agent or Independent Contractor

An agent or independent contractor, such as an advertising agency or campaign consulting firm, may not make an expenditure on behalf of or for the benefit of any committee, except for payments for its own overhead or normal operating expenses, unless such expenditure is reported by the committee in the same detail as if it had been made by the committee directly.

FPPC Regulation 2 Cal. Code of Regulations Section 18431 specifies the types of expenditures the committee must itemize. The agent or independent contractor must provide to the committee all information required to be reported no later than three working days prior to the date the campaign statements must be filed (or within 24 hours if an expenditure is a late contribution or a late independent expenditure). (Gov. Code Section 84303.)

Anonymous Contributions

No person shall make an anonymous contribution to a candidate, committee, or any other person totaling \$100 or more in a calendar year. A candidate or committee that receives an anonymous contribution must promptly send the entire amount of the contribution to the Secretary of State for deposit into the general fund of the state. (Gov. Code Section 84304.)

Conflict of Interest and Campaign Contributions

Government Code Section 84308 requires disqualification by some public officials in certain situations based upon receipt of campaign contributions of \$250 or more. It also prohibits the receipt or solicitation of certain contributions by these officials.

Section 84308 applies to proceedings on licenses, permits, and other entitlements for use pending before certain state and local agencies, boards, and commissions. The law generally prohibits accepting or soliciting contributions of \$250 or more by the official from the parties and other participants during the proceedings. The law also requires the official's disqualification from such proceedings if

contributions of \$250 or more have been received during the 12 months preceding the decision, and it requires the disclosure of all such contributions.

The law expressly exempts from its provisions the courts, the Legislature, state constitutional officers, the Board of Equalization, boards of supervisors, city councils, and other local governmental agencies whose members are directly elected by the voters. However, this exemption applies to these officials only when they are acting as members of one of the exempt bodies or their committees; they are covered by the law when they are acting as voting members of other, non-exempt bodies such as special districts, joint powers authorities, or regional planning agencies.

Delivering Campaign Contributions in State Buildings

No person may receive or personally deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. "Personally deliver" includes the delivery of a copy or facsimile of a contribution, and the original or a copy of a contribution transmittal letter. "Personally deliver" does not include contributions sent through the mail. (Gov. Code Section 84309; 2 Cal. Code of Regulations Section 18439.)

Commingling with Personal Funds

Contributions may not be commingled with the personal funds of the recipient or any other person. (Gov. Code Section 84307.)

Contributions from National Banks and National Corporations

The Federal Election Campaign Act (2 U.S.C. Section 441b) prohibits contributions from national banks and national corporations (or corporations established by an Act of Congress) in connection with any local, state, or federal election for political office. The Federal Election Commission should be contacted at (800) 424-9530 for more information.

Contributions from Foreign Nationals

The Federal Election Campaign Act (2 U.S.C. Section 441e) prohibits contributions from foreign nationals in connection with any local, state, or federal election for political office. Contact the Federal Election Commission at (800) 424-9530 for further information.

Part VII.

Definitions

This reference section defines key terms and concepts that relate to campaign disclosure. These definitions are provided in their entirety only once, although definitions are repeated in various contexts throughout the manual.

Calendar Year:

January 1 through December 31.

Campaign Statement:

An itemized report prepared on a form prescribed by the Commission that provides the information required by Chapter 4 of the Political Reform Act. (Gov. Code Section 82006.)

"City" Major Donor or Independent Expenditure Committee:

A committee that makes contributions or independent expenditures to support or oppose candidates or measures being voted upon in a single city. (Gov. Code Section 82027.5.)

Contribution:

A payment, including a loan, a forgiveness of a loan, a third party payment on a loan, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received and it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of an officeholder, candidate, or committee is a contribution to the officeholder, candidate, or committee unless full and adequate consideration is received for making the expenditure.

A payment is "made at the behest of" an officeholder, candidate, or committee if it is made under the control or at the direction of the officeholder, candidate, or committee. It is also made at the behest if it is in cooperation, consultation, coordination, or suggestion of the officeholder, candidate controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

The term "contribution" includes:

- Tickets purchased for events such as dinners, luncheons, rallies, and similar fundraising events;
- The officeholder or candidate's own money or property used on behalf of his/her candidacy;
- Discounts or rebates granted an officeholder, candidate, or committee not generally extended to the public;
- Television, radio, newspaper discounts or rebates not equally extended to all candidates for the same office; and

- Compensation paid by any person for the personal services or expenses of any other person, if such services are rendered, or such expenses are incurred, on behalf of an officeholder, candidate, or committee without payment of full and adequate consideration.

The term "contribution" also includes the transfer of anything of value that a committee receives from another committee, unless full and adequate consideration is received.

The term "contribution" does not include:

- A payment that the occupant of a home or office makes for costs related to any meeting or fundraising event held in his/her home or office, if the total cost for the meeting or event is \$500 or less.
- An individual's personal services or payments for his/her own travel expenses if such payments are made voluntarily and without any understanding or agreement that payments will be directly or indirectly repaid.
- An expenditure by a political party or a political committee that is made at the behest of a candidate or officeholder if the expenditure is made in connection with voter registration activities and does not clearly identify or expressly advocate the election or defeat of any candidate for elective office.
- Amounts received as part of an enforceable promise if such amounts were previously reported as a contribution. The fact that such amounts were received, however, must be indicated in the appropriate campaign statement. (Gov. Code Section 82015; 2 Cal. Code of Regulations Section 18215.)

Controlled Committee:

A recipient committee that:

- An officeholder, candidate, or state measure proponent controls directly or indirectly; or
- Acts jointly with an officeholder, candidate, controlled committee, or state measure proponent in connection with the making of expenditures.

An officeholder, candidate, or state measure proponent controls a committee if the candidate or proponent, his/her agent, or any other committee he/she controls has a significant influence on the committee's actions or decisions. (Gov. Code Section 82016.) In almost all cases, an officeholder or candidate controls the primary committee that was established for the purpose of supporting his/her officeholder or candidacy status.

Definitions - Con't

"County" Major Donor or Independent Expenditure Committee:

A committee that makes contributions or independent expenditures to support or oppose candidates or measures being voted on in a single county or in more than one jurisdiction within a single county. (Gov. Code Section 82027.5.)

Cumulative Amount:

The total amount of contributions received or expenditures made in a calendar year (January 1 through December 31). (Gov. Code Section 82018.)

Enforceable Promise to Make a Payment:

A contribution to or at the behest of a candidate or committee, except to the extent that:

- The person making the enforceable promise receives full and adequate consideration; or
- Surrounding circumstances show that the enforceable promise was not made for political purposes.

A person makes an enforceable promise to make a payment if he/she:

- Guarantees a loan;
- Furnishes security for a loan;
- Endorses a loan;
- Co-signs a loan;
- Makes and delivers a post-dated check;
- Establishes a line of credit at a bank or other commercial lending institution for a candidate or committee; or
- Promises in writing to make a payment for specific goods or services, and the candidate or committee, based on the promise, expends funds or enters into an enforceable contract with a third party. (2 Cal. Code of Regulations Section 18216.)

Expenditure:

A payment, a forgiveness of a loan, a third party payment of a loan, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. (Gov. Code Section 82025; 2 Cal. Code of Regulations Section 18225.)

Fair Market Value:

The value on the open market of goods, services, facilities, or anything of value other than money. Whenever the amount of goods, services, facilities, or anything of value other than money is required to be reported, the amount must be the fair market value. (Gov. Code Section 82026.)

Filer:

A person who files or is required to file any statement or report under Chapter 4 of the Political Reform Act. (Gov. Code Section 82026.)

Fiscal Year:

July 1 through June 30. (Gov. Code Section 85102(a).)

General Purpose Committee:

A non-controlled recipient committee that is not primarily formed to support or oppose a single officeholder, candidate, ballot measure, or group of specific candidates, or a group of specific measures voted upon in a single city, county, or state election. Most political action committees (PACs) are general purpose committees. (Gov. Code Section 82027.5.)

Independent Expenditure:

An expenditure made in connection with a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee. (Gov. Code Section 82031; 2 Cal. Code of Regulations Section 18225.)

A payment is made at the behest of a candidate or committee if it is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of the candidate or committee. (2 Cal. Code of Regulations Sections 18215 and 18225.)

(A payment that *is* made to or at the behest of the affected candidate or committee is a contribution.)

Independent Expenditure Committee (Non-Recipient):

An individual, entity, or a group of affiliated entities whose independent expenditures are controlled or directed by the same person or majority of the same persons, and whose independent expenditures total \$1,000 or more in a calendar year.

A non-recipient independent expenditure committee: (1) does not receive contributions, and (2) automatically terminates on December 31 and must requalify each calendar year before it is required to file statements in a subsequent year. (Gov. Code Section 82013(b).)

NOTE: A recipient committee that makes independent expenditures should refer to Manual B, C, or D as appropriate, for information concerning its disclosure requirements.

Intermediary:

A person is an intermediary for the making of a contribution if the recipient of the contribution would consider the person to be the contributor without disclosure of the true source of the contribution. In addition, if the person is a sponsor of a recipient committee and collects either directly or indirectly \$100 or more in member contributions on behalf of the recipient committee, the sponsor is an intermediary for its members' contributions. (Gov. Code Section 84302, 2 Cal. Code of Regulations Section 18432.5.)

Late Contribution:

A late contribution is a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans, that:

- Aggregates to \$1,000 or more from a single source made to or received by a candidate, a controlled committee, or a committee primarily formed to support or oppose a candidate or measure; and
- Is made or received during the 16 days immediately preceding the election in which the recipient candidate or measure is to be voted on. (Gov. Code Section 82036.)

A major donor or independent expenditure committee that makes a late contribution must file a "Late Contribution Report."

Late Independent Expenditure:

Any independent expenditure, as defined above, that totals in the aggregate to \$1,000 or more, and is:

- Used to support or oppose a single candidate or measure; and
- Made during the 16 days that immediately precede the election in which the candidate or measure supported or opposed is to be voted on. (Gov. Code Section 82036.5.)

A major donor or independent expenditure committee that makes a late independent expenditure must file a "Late Independent Expenditure Report."

Made at the Behest of a Candidate or Committee:

A payment is "made at the behest of a candidate or committee" if it is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of, a candidate or committee.

Major Donor Committee:

An individual or entity, or a group of affiliated entities that makes monetary or non-monetary contributions or enforceable promises to make contributions, and whose contributions:

- Are controlled and directed by the same person or a majority of the same persons;
- Totals \$10,000 or more in a calendar year; and
- Are made to or at the behest of candidates or committees.

Major donor committees do not receive contributions. Such committees automatically terminate on December 31 and must requalify as a committee before they are required to file campaign statements in a subsequent year. (Gov. Code Section 82013(c).)

NOTE: Committees that receive contributions for the purpose of supporting or opposing candidates or ballot measures should refer to Manual B, C, or D as appropriate, for information concerning their filing obligations.

Mass Mailing:

"Mass mailing" is defined as over 200 substantially similar pieces sent during a calendar month. This definition does not include a form letter or other mail sent in response to an unsolicited request, letter, or other inquiry. (Gov. Code Section 82041.5.)

Measure:

Any constitutional amendment or other proposition that:

- A legislative body submits to a popular vote at an election; or
- Is submitted, or is intended to be submitted, to a popular vote at an election by initiative, referendum, or recall procedure, whether or not it qualifies for the ballot. (Gov. Code Section 82043.)

Definitions - Con't

Payment:

A payment, distribution, transfer, loan, advance, deposit, gift, or other rendering of money, property, services, or anything else of value, whether tangible or intangible. (Gov. Code Section 82044.)

Person (for purposes of disclosure):

An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (Gov. Code Section 82047.)

Person (for purposes of contribution limitations):

An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and labor organization. (Gov. Code Section 85102(b).)

Primarily Formed Committee:

A recipient committee that is formed or exists primarily to support or oppose a single candidate or a single measure, a group of specific candidates or measures voted upon in the same city or county election or two or more measures being voted upon in the same city, county, or state election. (Gov. Code Section 82047.5.)

Proponent of a State Ballot Measure:

The person who submits a draft of an initiative or referendum petition to the Attorney General for preparation of a title and summary. (Gov. Code Section 82047.6; Elections Code Section 3502.)

Recipient Committee:

An individual, group of individuals, organization, or any other entity that receives \$1,000 or more in contributions during a calendar year. (Gov. Code Section 82013(a).)

Slate Mailer:

A mass mailing that supports or opposes a total of four or more candidates or ballot measures. (Gov. Code Section 82048.3.)

Sponsored Committee:

A committee, other than a candidate's controlled committee, that has one or more sponsors. A person sponsors a committee if any of the following apply:

- The committee receives 80 percent or more of its contributions from the person or its members, officers, employees, or shareholders;
- The person collects contributions for the committee through payroll deductions or dues from its members, officers, or employees;
- The person, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee; or
- The person, alone or in combination with other organizations, sets the policies for contribution solicitation or payment of expenditures from committee funds. (Gov. Code Section 82048.7.)

"State" Major Donor or Independent Expenditure Committee:

A committee that makes contributions or independent expenditures to support or oppose candidates or measures being voted on in a state election, or in more than one county. (Gov. Code Section 82027.5.)

Part VIII.

Questions and Answers

If a contribution is returned to the contributor, must it be reported?

A contribution need not be reported if the contribution is not cashed, negotiated, or deposited, and is returned to the contributor prior to the closing date of the campaign statement on which it would otherwise be reported.

Contributions cashed, negotiated, or deposited, or not returned before the closing date of the next campaign statement, must be reported by a major donor committee in the following manner:

- If returned within 30 days of receipt, both the contribution and the return are reported on Part V of Form 461. The return is shown as a negative entry.
- If not returned within 30 days, the receipt is itemized on Part V of Form 461, and the return is described in a footnote to Part V.

A "late contribution" is not required to be reported if it is not cashed, negotiated, or deposited, and it is returned to the contributor within 24 hours of receipt.

If an individual holds a meeting or fundraiser for a candidate or committee in his/her home or office, must the candidate or committee report the event's costs as a contribution?

If the total cost of an event in an individual's home or office is \$500 or less, the cost is not reported as a contribution. If the cost exceeds \$500, all payments for the event must be reported as an in-kind contribution. (Gov. Code Section 82015.)

If an individual contributes \$50 to a candidate or committee from personal funds and directs a \$50 contribution from business funds, is he/she considered a single contributor of \$100, which must be itemized?

Yes. Contributions from an individual and his/her business, or from any other account he/she directs and controls, are from a single contributor and must be cumulated.

May a major donor committee make a contribution of \$100 or more in cash?

No. Contributions of \$100 or more must be on a written instrument that shows both the recipient and contributor's names. Expenditures of \$100 or more must also be on a written instrument that shows both the payee and payor's names.

How is the fair market value of goods or services determined?

When goods or services are provided to a candidate or committee free of charge or at a reduced price, a "non-monetary" contribution has been made and the fair market value of the contribution must be disclosed. The fair market value is the amount the recipient would pay for the item or service on the open market. This cost is not necessarily the same as the amount the contributor would pay to provide the item or service.

For example, a candidate receives free office space for use as campaign headquarters. The building owner incurs no cost as provider of the space, but the candidate would pay \$150 per month to obtain similar space elsewhere. The fair market value of the office space is, therefore, \$150 per month.

If the candidate is unable to determine the value of goods or services received, he/she may ask the contributor for this information in a written request. The contributor must then provide the recipient with the value of the non-monetary contribution in writing.

Is it permissible for an individual to purchase a block of tickets to a candidate's fundraiser if his/her intention is to sell a portion of them? How would such a transaction be reported?

For reporting purposes, the individual must notify the candidate each time he/she receives a payment for a ticket. Each purchase of a ticket is considered a contribution to the candidate by the person who buys a ticket. The individual selling the tickets is acting as an intermediary for contributions to the candidate.

The candidate must maintain in his/her records the name and address of each single contributor of \$25.00 or more.

If a major donor or independent expenditure committee qualifies in one year, must it continue to file campaign statements in subsequent years?

Major donor committees and independent expenditure committees automatically terminate at the end of each calendar year and must requalify before incurring disclosure obligations for any subsequent calendar year. An individual or entity that does not receive contributions "requalifies" by making – in any subsequent calendar year:

- Contributions totaling \$10,000 or more (major donor committee); or
- Independent expenditures totaling \$1,000 or more (independent expenditure committee).

Please refer to examples on page 3.

If an individual has not yet qualified as a major donor committee and gave a contribution of \$1,000 or more to a single candidate or measure during the late contribution reporting period, must the individual file a late contribution report?

No, the individual has no filing obligations until the individual qualifies as a major donor committee.

May corporations make political contributions in California?

Yes, the Political Reform Act does not prohibit this activity. **Note:** National corporations are prohibited from making contributions. See page 32.

May a major donor or independent expenditure committee receive political contributions?

Receipt of political contributions would likely result in the creation of a recipient committee with different disclosure obligations.

Are husbands and wives required to cumulate the contributions they make individually for purposes of qualifying as a major donor committee?

No, the contributions made by one spouse are only attributed to that individual. A spouse would have to make contributions totaling \$10,000 or more before he or she would qualify as a major donor committee.

Part IX.

Information Collection and Access

The Information Practices Act of 1977 requires that the following information is provided when information is collected from individuals.

Agency Name: Secretary of State

Title of official responsible for information maintenance: Manager, Political Reform Division

Address: 1500 11th Street, Sacramento, CA 95814

Telephone number: (916) 653-6224

Fax number: (916) 653-5045

Authority that authorizes the maintenance of the information: Government Code Section 81002, 81004, 81004.5, 81007, 81008, 81009, 81010, 82026, 82027, 83112, 83113, 84101-84107, 84200-84217, 84400, 85100-85307, 90001, 91000-91001.5, 91004, 91010, 91013; 2 California Code of Regulations Section 18401-18439

All items of information on forms filed pursuant to the Political Reform Act are mandatory.

The consequences, if any, of failure to provide all or any part of the requested information:

Remedies for a violation of the Political Reform Act's reporting requirements include:

- 1) an administrative enforcement proceeding before the Fair Political Practices Commission (Gov. Code Section 83116);
- 2) a criminal misdemeanor proceeding (Gov. Code Section 91000);
- 3) a civil action, including an action for injunctive relief (Gov. Code Section 91003, 91004); and
- 4) levying of late penalties by filing officers (Gov. Code Section 91013).

The principal purpose(s) for which the information is to be used:

The information reveals campaign financing practices of officeholders, candidates, and campaign committees, and certain organizational information about campaign committees for public scrutiny.

Each individual has the right to review campaign disclosure files, unless exempted by law.

All reports and statements filed pursuant to the Political Reform Act are public records open for public inspection and reproduction. (Gov. Code Section 81008)

Separate information manuals are available for officeholders and candidates, and for various types of committees:

- ▶ **Manual A: Elected State and Local Officers (Including Judges) and Candidates for State and Local Elective Offices**
- ▶ **Manual B: Non-Controlled Committees Primarily Formed to Support or Oppose a State or Local Candidates**
- ▶ **Manual C: General Purpose Recipient Committees**
- ▶ **Manual D: Committees Primarily Formed to Support or Oppose the Qualification or Passage of a State or Local Ballot Measure (Including Ballot Measure Committees Controlled by an Officeholder or a Candidate)**
- ▶ **Manual E: Independent Expenditure Committees and Major Donor Committees**
- ▶ **Manual F: Campaign Disclosure Provisions of the Political Reform Act for State Mailer Organizations**

If you have any questions on which manual you should use, call the Technical Assistance Division at (916) 322-5660

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**Part XI.
Glossary**

**Listing of Campaign Forms Filed by
Major Donor Committees and
Independent Expenditure Committees**

Following is a list of campaign disclosure forms used by major donor and independent expenditure committees.

405

**Amendment
to Campaign
Disclosure
Statement**

Used to amend campaign disclosure statements and reports.

461

**Independent
Expenditure
Committee and
Major Donor
Committee
Statement**

Used by city, county and state major donor and independent expenditure committees as a semi-annual statement and by city major donor and independent expenditure committees as a pre-election statement.

465

**Supplemental
Independent
Expenditure
Report**

Used by major donor and independent expenditure committees which make independent expenditures totaling \$500 or more to support or oppose a single candidate, a single measure, or the qualification of a single measure.

496

**Late Independent
Expenditure Report**

Used by major donor and independent expenditure committees that make independent expenditures totaling \$1,000 or more to support or oppose a single candidate or measure during the 16 day period immediately preceding an election in which the candidate or measure is being voted on.

497

**Late Contribution
Report**

Used by major donor and independent expenditure committees that make contributions totaling \$1,000 or more to a candidate or measure or a committee primarily formed to support or oppose a candidate or measure during the 16 day period immediately preceding an election in which the candidate or measure is being voted on.

**Additional
Report:**

**Special Odd-Year
Report/Form 461:**

Used by major donor and independent expenditure committees that make contributions totaling \$5,000 or more to elected state officers during January-March and July-September in an odd-numbered year.

