

## NOMINATION PAPER CHECKLIST

### Nomination Papers and Candidate Statement

- Nomination Paper Checklist\*
- Candidate Handbook and Resource Guide
- November 2, 2010 General Municipal Election Calendar
- Notice to Nominees – City Hall Hours
- Nomination Paper
- Ballot Designation Form
- Candidate Statement of Qualifications Form
- Declaration of Candidacy
- \$350 Deposit/Receipt for Candidate Statement
- Consent Form for use of Endorser Names (5 forms)
- Candidate Information for Public Review\*
- Permission to Post Candidate Home Information on City’s Website
- Permission to Post Candidate Home Information on County’s Website
- San Mateo County Chinese Given Name/Preferred Transliteration

### Conflict of Interest

- Statement of Economic Interest – Form 700

### Campaign Disclosure

- Code of Fair Campaign Practices (EC 20440)
- Candidate Intention Statement – Form 501
- Campaign Filing Schedule
- Candidate/Treasurer Workshops - FPPC
- City Ordinance No. 860
- Statement of Organization - Form 410
- Campaign Disclosure Manual 2
- Mass Mailing Requirements (GC 84305)

### General Information

- Department of Transportation – Statement of Responsibility for Political Signs
- San Mateo County Candidate Handbook & Resource Guide

I acknowledge receipt of all nomination papers as described above.

\_\_\_\_\_  
Candidate’s Signature

\_\_\_\_\_  
Date

Items with asterisk (\*) must be completed when nomination papers are issued.

**DOCUMENTS TO BE RETURNED BY CLOSE OF NOMINATION PERIOD**

- Nomination Paper**
- Ballot Designation Worksheet**
- \$350 Deposit for Candidate Statement** *(if applicable)*
- Candidate Statement Form** *(Statement or Waiver)*
- Declaration of Candidacy**
- Consent Forms for use of Endorser Names** *(if applicable)*
- Permission to Post Candidate Home Information on City's Website**
- Permission to Post Candidate Home Information on County's Website**
- San Mateo County Chinese Given Name/Preferred Transliteration**
- Candidate Information for Public Review\***
- Statement of Economic Interest – Form 700**
- Candidate Intention Statement – Form 501** *(if not previously filed)*
- Code of Fair Campaign Practices (EC 20440)** *(optional)*

**I acknowledge that I returned the documents as described and noted above.**

\_\_\_\_\_  
**Candidate's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City Clerk**



**CANDIDATE HANDBOOK  
AND RESOURCE GUIDE**

**GENERAL MUNICIPAL ELECTION  
NOVEMBER 2, 2010**



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## **CANDIDATE INFORMATION - GENERAL**

### **ELIGIBILITY**

Government Code Section 36502(a) states that a city council member must be an elector of the city at the time of assuming office and a registered voter of the city at the time nomination papers are issued to the candidate. Persons residing in the unincorporated area of Menlo Park are not eligible to run for city office. The City Clerk will verify voter registration and residency. Government Code Section 1099 contains the provisions prohibiting the holding of incompatible, multiple offices. Questions regarding incompatible offices should be directed to the City Clerk. A person may continue to sit on a City of Menlo Park commission during the time he or she is a candidate for office.

### **NOMINATION PERIOD**

Candidates will be provided with a November 2, 2010 General Municipal Election Calendar. This calendar lists critical dates throughout the election period. The nomination period opens at **7:30 a.m. on Monday, July 12, 2010** and closes at **5:00 p.m. on Friday, August 6, 2010**. The candidate must complete and return all required nomination documents by the filing deadline. Candidates are encouraged to obtain and file nomination documents early in the process so that the City Clerk has the opportunity to review them with the candidate and to give the candidate an opportunity to correct any errors or omissions. Appointments aren't required, but are encouraged to alleviate waiting time. A candidate should allow a minimum of 30 minutes for each appointment.

City Hall has a modified work schedule and nomination papers must be obtained and returned during deadlines either established by law or during normal business hours. City Hall hours during the nomination period are as follows:

- **Monday through Thursdays – 7:30 a.m. to 5:30 p.m.**
- **Fridays – July 23 and August 6 – 8:00 a.m. to 5:00 p.m.**
- **Fridays – July 16 and July 30 – CLOSED**

The nomination paper and all other required nomination documents must be filed at the same time. Refer to the enclosed instructions and forms for completion of the nomination documents.

If an incumbent fails to submit a nomination paper and all other required nomination documents by the deadline or fails to qualify by the deadline, the nomination period is extended to **5:00 p.m. on Wednesday, August 11, 2010**, for all candidates, with the exception of incumbents. A candidate may withdraw his/her nomination documents and remove his or her name from the ballot up until the close of the nomination period.

### **RANDOM ALPHA DRAW FOR BALLOT ORDER**

The Secretary of State will perform a random alpha draw on August 12, 2010 which will determine the order in which candidates will appear on the ballot. This process is governed by Elections Code Section 13112.

## **COUNCIL MEMBERS**

The City of Menlo Park is a general law city, governed primarily by the laws of the State of California and by its own ordinances and regulations. As per Government Code Section 36501, “the government of a general law city is vested in a city council of five members”. The City of Menlo Park council members are elected to serve staggered terms of four years. Currently the City of Menlo Park does not have a limit on how many terms a member may serve on the city council. Three council member seats are up at the November 2010 Election. Persons elected to fill these seats will be sworn into office following the canvass of election returns and the certification of election results, which should occur at the first meeting in December 2010. At the same time, the Council will also chose one its members to serve as mayor and one to serve as mayor pro tempore for a period of one year.

Each member of the Council is eligible to receive a salary of \$640 per month and other benefits including paid health insurance and contributions into the City’s retirement system.

## **VOTER /PRECINCT INFORMATION DATA AND PRECINCT MAPS**

Voter registration data and precinct and district maps are available from the San Mateo County Elections Department, 40 Tower Road, San Mateo. Contact Steve Dennison, Information Technology Analyst at (650) 312-5370 or [sdennison@smcare.org](mailto:sdennison@smcare.org) for information and costs.

## **MASS MAILING REQUIREMENTS**

The City Clerk is required to provide each candidate at the time of filing the declaration of candidate a copy of Government Code Section 84305 related to requirements when sending out a mass mailing. Candidates and their committees must comply with these requirements.

## **POLITICAL SIGNS**

Political signs may not be placed on any private property (residential, commercial or industrial) without the permission of the owner. (*PC 556.1, 593*)

PG&E prohibits the attachment of political signs to PG&E utility poles or other facilities. The U.S. Supreme Court ruled that third parties have no right to use utility property to communicate messages to the public. [*Pacific Gas and Electric v. Public Utilities Commission, 475 U.E. 1 (1986)*]

CalTrans has strict procedures for the allowance of temporary signs on the State right-of-way and require prior authorization. Refer to the [Department of Transportation Statement of Responsibility for Temporary Political Signs](#).

The City of Menlo Park ordinances relating to signs posted on public property, public rights-of-way and political signs are not currently enforced due to an injunction issued against enforcement by the Federal District Court.

## **LEAGUE OF WOMEN VOTERS WEBSITE**

The League of Women Voters invites all candidates to participate in Smart Voter, the League’s comprehensive online guide for the November 2, 2010 election. All candidates in San Mateo County are offered space on the Smart Voter website at [www.smartvoter.org](http://www.smartvoter.org) at no cost. Smart Voter allows a candidate to submit material about his or her candidacy to the voters, including a biography, endorsements, positions on issues, a photo, and a link to the candidate’s own website. Smart Voter also provides candidate ballot statements, information about ballot measures, polling place locations, events, and links to online news articles and to other websites. Candidates will be allowed to begin entering information during the first week of September. A letter confirming

the date and complete instructions for accessing the secure candidate input area will be sent to candidates shortly after the League receives the certified list of candidates.

### **CANDIDATE ORIENTATION**

All candidates will be invited to a candidate orientation hosted by the City Manager and staff either in late August or early September. At this orientation candidates will be given an overview of City administration and projects.

### **ELECTIONEERING**

Candidates and their supporters must comply with Elections Code Section 18370 when observing the voting process at the polling places on Election Day. No person may engage in “electioneering” or other election-related conduct within 100 feet of a polling place, which is defined as 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Electioneering includes, but is not limited to, circulating petitions; soliciting a vote or speaking to a voter on the subject of marking his or her ballot; and displaying messages suggesting support or opposition of a candidate or measure on signs, badges, buttons, clothes, etc. Any person who violates the prohibition on electioneering is guilty of a misdemeanor.

### **ELECTION RESULTS**

Real time election results can be obtained by logging on to the San Mateo County Elections Department website at [www.shapethefuture.org](http://www.shapethefuture.org). A candidate may also subscribe to e-mail notification of the scheduled updates soon after they are posted by completing and returning the [San Mateo County Election Night Results form](#).

### **CONTACT INFORMATION**

Any questions related to the nomination process should be referred to Margaret S. Roberts the City of Menlo Park City Clerk. The City Clerk can be contacted during regular business hours at the City Hall Administration Building, 701 Laurel Street, Menlo Park, CA 94025 or by calling (650) 330-6625. The City Clerk may also be reached via e-mail at [msroberts@menlopark.org](mailto:msroberts@menlopark.org).

The City will provide updated election information on its website at [www.menlopark.org](http://www.menlopark.org). This site will also provide links to other resource sites.

# INSTRUCTIONS FOR COMPLETION OF NOMINATION DOCUMENTS

## A. NOMINATION PAPER – (Required)

**Issuing Nomination Paper:** The nomination period opens at 7:30 a.m. on **Monday, July 12, 2010**. The nomination paper shall be taken out and filed with the City Clerk only during regular business hours during the nomination period. The City Clerk will affix her signature and imprint the date to the nomination paper at the time it is issued and will type the name of the candidate and office sought on the nomination paper.

The signatures shall be appended on the same sheet of paper. Once a nomination paper is filed, the paper may not be returned to the candidate to obtain additional signatures. If the nomination is determined to be insufficient or the candidate fails to obtain enough valid signatures, the City Clerk will issue one supplemental nomination paper on which the candidate may collect additional signatures. The supplemental nomination paper shall be filed no later than the last day for filing the nomination paper. (EC 10220, 10221 and 10227)

**Nomination Signatures:** The candidate is responsible for obtaining the signatures of not less than 20, or more than 30, registered voters who are eligible to vote for the candidate. No voter may sign more nomination papers than there are offices to be elected. There are two council offices up at this election. If a voter signs more nomination papers than there are offices, the voter's signature shall only count on the on the first nomination paper filed. The candidate may sponsor himself/herself by signing his/her nomination paper. (EC 8069, 10220)

Each signer shall at the time of signing the nomination paper personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. (EC 100, 106, 10220)

A voter who is unable to personally affix on a nomination paper the information required may request another person to print the voter's name and place of residence on the appropriate spaces of the nomination paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the nomination paper, which shall be witnessed by one person. (EC 100.5, 354.5)

The candidate should try to obtain the required number of signatures as soon as possible in order for his/her nomination paper to be filed and examined for sufficiency well before the filing deadline. Once a nomination paper is filed with the City Clerk, it may not be returned to the candidate to obtain additional signatures. If the nomination paper is determined to be insufficient or the candidate fails to obtain the correct number of valid signatures, the City Clerk shall retain the original nomination paper, provide a copy of the nomination paper to the candidate with an indication as to which signatures are valid, and issue one supplemental nomination paper to the candidate on which the candidate may collect additional signatures. The supplemental nomination paper shall be filed not later than the last day for filing for that office. (EC 10221)

**Declaration of Circulator:** This section must be completed and signed by the circulator. The circulator must be a Menlo Park registered voter and may also sign the nomination paper. The candidate may be the circulator. Only one person may circulate the nomination paper. The San Mateo Elections Department will verify the registration of signatories and the circulator. (EC 104, 10220, 10222)

**Affidavit of Nominee:** The name of the nominee, the office sought, the date of the election, the candidate's name, and the candidate's ballot designation are to be typed or printed in the space provided. The candidate must sign and date the affidavit. It is recommended that the candidate complete the affidavit in the presence of the City Clerk. *(EC 10223, 10226)*

**Name on Ballot and Ballot Designation:** The candidate's name as provided by the candidate on the affidavit of nominee is the way it will appear on the ballot. Candidates must use their full legal name; nicknames or shortened versions of the full legal name may be listed in quotes. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office. If the candidate has changed his or her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by Decree of Court. *(EC13104, 13106)*

The candidate's ballot designation is limited to no more than three words which designate either the current principal profession, vocation or occupation of the candidate or the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. If the candidate is currently serving in an elected office, the candidate may use words designating the elected office, which the candidate holds or the word "incumbent". Refer to the ballot designation worksheet. *(EC 13107, 13107.3, 13107.5)*

**Oath of Allegiance:** This section should be left blank until the completed nomination paper is returned. The oath will be administered by the City Clerk and signed by the candidate in front of the City Clerk at the time the filing is complete. *(EC 10223, 10226)*

Nomination papers are confidential until the close of the nomination period, at which time they become public documents, which may be viewed, but not copied.

**B. BALLOT DESIGNATION FORM – *(Required)***

All candidates that wish to have a ballot designation listed on the ballot must complete a ballot designation form. The candidate must file the form at the same time the affidavit of nominee is completed. If no ballot designation form is filed, no designation shall appear on the ballot. *(EC 13106, 13107, 13107.3, 13107.5)*

If after review of the ballot designation and the ballot designation form, the City Clerk finds that the ballot designation is in violation of any of the restrictions set forth in Election Code Section 13107 and 13107.5, the City Clerk shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation form.

The candidate shall, within three business days, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the City Clerk and provide a designation that complies with Elections Code 13107. In the event the candidate fails to provide a designation that complies with this requirement, no designation shall appear after the candidate's name. *(EC 13107)*

If a candidate is unsure of whether or not a ballot designation will be accepted, he or she should contact the City Clerk in advance of filing the nomination papers to discuss the designation.

C. **CANDIDATE STATEMENT OF QUALIFICATIONS** – (Optional)

A candidate may, at his or her option, prepare a candidate statement, which includes the name, age and occupation of the candidate along with a description, not to exceed 200 words, of the candidate's education and qualifications.

The candidate statement will be printed in the voter pamphlet mailed by the San Mateo County Elections Department to every registered voter in the City of Menlo Park. If the candidate elects to submit a candidate statement, the statement will be translated and printed in Spanish and Chinese in addition to English as required in accordance with the Federal Voting Rights Act. Further information regarding this Act can be found on the Department of Justice's website at [www.usdoj.gov](http://www.usdoj.gov).

This statement is optional and is printed at the expense of the candidate. The City of Menlo Park requires a deposit of \$350 at the time the candidate submits the candidate statement and files all required nomination documents. The deposit goes toward the actual cost of printing the candidate statement. The County of San Mateo will either bill the candidate for an additional amount or refund the candidate monies depending on the actual cost as calculated by the San Mateo County Elections Department. If a candidate alleges to be indigent and unable to pay the fee for submitting a candidate statement, the candidate will be required to submit a Statement of Financial Worth to the City Clerk to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance. Checks should be made payable to the County of San Mateo Elections Department.

In summary, the candidate statement is limited to no more than 200 words, using the Word Count Standards provided in the San Mateo County Candidate Handbook and Resource Guide page 56, and shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Reference to other candidates for that office or to another candidate's qualifications, character, or activities are prohibited. If a candidate names any person as an endorser within the text of the candidate statement, the candidate must obtain the written consent of the person named in the body and submit along with the candidate statement a Consent Form, which will be supplied by the City Clerk.

Candidate statements are to discuss the education and qualifications of the candidate. The heading of the statement includes the candidate's name (required), age (optional), and occupation (optional). All statements will begin with the words "Education and Qualifications" followed by the text filed by the candidate. These words, as well as the heading, are standardized and do not count toward the 200 word limitation. The "occupation" listed in the heading is not governed by the laws and regulations pertaining to the ballot designation that appears under the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length exceeds one line, the candidate may be asked to modify verbiage.

The statement must be typewritten or computer generated. The statement must be printed in a uniform type size. No bold, italics, underlining, or full capitalization will be recognized by the printer. Prepare the statement as one paragraph and do not use any unusual spacing, punctuation, indentations, "bullets", or an "outline" format.

The statement will be printed as submitted, therefore candidates are advised to carefully check for errors in grammar, punctuation and spelling. The candidate should submit both a hard copy and a computer disk or e-mail of his/her candidate statement. If there is a discrepancy between the computer version and the hard copy, the hard copy version shall be considered the final version. The hard copy version must be signed by the candidate.

The statement must be filed at the time the nomination documents are filed. A candidate statement may

be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period. Any candidate who elects not to submit a candidate statement will be required to sign a waiver. (*EC 10012.7, 13307, 13308, 13309*)

The candidate statement is kept confidential until the close of the nomination period at which time it becomes a public document that will be posted to the City's website and available for public viewing and copying. It will also be mailed to every registered voter in the City as part of the voter pamphlet.

**D. FORM 700 - STATEMENT OF ECONOMIC INTERESTS – (*Required*)**

The Political Reform Act requires that candidates file a Form 700, Statement of Economic Interests, at the time the nomination documents are returned. Instructions are provided with the form provided to candidates by the City Clerk. An interactive version of this form is also available on the Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov). The Form 700 is a public document and will be posted to the City's website and made available for public viewing and copying at the close of the nomination period.

**E. CODE OF FAIR CAMPAIGN PRACTICES – (*Optional*)**

State law requires that at the time nomination documents are issued, the City Clerk provide each candidate with a copy of the Code of Fair Campaign Practices. However, the signing and submittal of this form with the filing of a candidate's nomination documents is optional.

If filed, this document will be posted to the City's website and made available for public viewing and copying.

**F. CANDIDATE INFORMATION FOR PUBLIC REVIEW – (*Required*)**

At the time the candidate takes out nomination documents, the candidate will be asked to complete a form which will include the name of the candidate, address, contact phone numbers, e-mail, and occupation. This information will be made available to anyone interested along with information on the date nomination documents were taken out and when they are returned.

**G. PERMISSION TO POST CANDIDATE HOME INFORMATION TO WEB – (*Required*)**

The candidate statement and related candidate information will be posted to the City's website at [www.menlopark.org](http://www.menlopark.org) after the close of the nomination period. Government Code Section 6254.21 requires written approval be obtained prior to the posting of a home address or phone number of elected or appointed officials. The candidate should indicate on this form, whether or not, he or she authorizes the posting of a home address and home phone number to the web.

San Mateo County Elections Department will also post candidate information to their website and requires that candidates inform them as to whether or not a home address and phone number may be posted to their website.

**H. SAN MATEO COUNTY CHINESE GIVEN NAME/PREFERRED TRANSLITERATION**  
*(Optional)*

The San Mateo County Elections Department will list the names of candidates on the sample ballot and official ballot in English along with a Chinese transliteration if the candidate requests the transliteration. Candidates are asked to complete a form along with their nomination papers indicating their desire for this transliteration.

**I. NOMINATION PAPER CHECKLIST – *(Required)***

The City Clerk will review the nomination documents with the candidate and provide the candidate and the Clerk with a checklist of documents provided to the candidate, indicating which documents must be returned by the end of the nomination period,

If a candidate has any questions regarding how to complete any portion of the nomination documents, he/she should contact Margaret S. Roberts, City Clerk, at (650) 330-6620.

## **CAMPAIGN DISCLOSURE REQUIREMENTS**

The statutory requirements of the Political Reform Act of 1974 are contained in Sections 81000 through 91015 of the Government Code. The Act requires candidates and committees to file campaign statements disclosing contributions received and expenditures made at specific times throughout an election cycle. Failure to file in compliance with the Act may result in criminal and civil penalties. Persons who do not file their campaign statements on time are liable for a late filing penalty of \$10 per day or the cumulative amount stated on the late campaign statement, whichever is greater.

Campaign statements are to be filed with the City Clerk, who is the filing officer for candidates and committees for local office and measures. The City Clerk will advise candidates and committees of their filing obligations and provide candidates with forms. Candidates and committees should also refer to the [campaign filing schedule](#).

The Fair Political Practices Commission (FPPC) is responsible for promulgating regulations, enforcement, and providing technical assistance. A candidate may contact the FPPC at (916) 322-5660 (Toll Free – 1-866-ASK-FPPC) or visit their website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Campaign forms and manuals may be downloaded from this website.

### **City Ordinance 860**

This ordinance requires that all committees report on their campaign statements the full name of each person from whom a contribution or contributions totaling between \$25 and \$100 has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self-employed, the amount of contribution, and the date the contribution was received. The ordinance prohibits anonymous contributions to a candidate or committee totaling \$25 or more in a calendar year. This ordinance also requires the City Clerk to publish in a newspaper on the Friday prior to an election, the name of each person and committee from whom a contribution or contributions totaling \$25 or more have been received during the six months prior to the election.

### **Campaign Disclosure Manual 2**

This manual provides information to local candidates and their controlled committees and to primarily formed committees for local candidates on State laws as it applies to receiving and expending funds on a campaign and reporting and recordkeeping requirements. The Fair Political Practices Commission generally conducts several campaign workshops throughout the State. Information on upcoming workshops can be found on their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### **Form 501 – Candidate Intention**

A candidate is required to file this form with the City Clerk prior to soliciting or receiving contributions for any election. If a candidate has not already filed this form, he or she will be required to file this form along with the nomination documents.

### **Form 410 – Statement of Organization**

This form is to be used to establish a committee and must be filed within 10 days of a candidate or committee receiving or spending \$1,000. The original and one copy are to be filed with the Secretary of State and a copy is to be filed with the City Clerk. A copy of this form will be provided to candidates along with the nomination papers.

**Form 460 – Recipient Committee Campaign Statement**

This form is to be used by a candidate who has a controlled committee, or who has raised or spent or will raise or spend \$1,000 or more during a calendar year in connection with an election to office or holding office. The form is to be filed with the City Clerk at specific times throughout an election cycle or year. Refer to the campaign filing schedule.

**Form 465 – Supplemental Independent Expenditure Statement**

This form is to be filed with the City Clerk. The form is used by officeholders, candidates, recipient committees, major donor committees, and independent expenditure committees that make independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single measure, or the qualification of a single measure. Proposition 34 prohibits a controlled committee of a candidate from making independent expenditures and contribution of funds to another committee for the purpose of supporting or opposing another candidate.

**Form 470 – Candidate and Officeholder Campaign Statement – Short Form**

This form is used by candidates who do not have a controlled committee and do not anticipate receiving contributions or making expenditures totaling \$1,000 or more in a calendar year. If a 470 is filed with the City Clerk on or before the filing deadline for the first-pre-election campaign statement, no additional campaign statement need be filed in connection with the election so long as total receipts/expenditures remain less than \$1,000. If a candidate files a 470 and subsequently receives contributions or makes expenditures totaling \$1,000 or more, the candidate is required to file a Supplemental Form 470 with 48 hours to the Secretary of State, the City Clerk, and to each of his or her opponents seeking the same office.

**Form 496 – Late Independent Expenditure Report**

Any committee that makes independent expenditures totaling \$1,000 or more to support or oppose a single candidate during the 16 days immediately prior to the election in which the candidate is being voted must file a report with the City Clerk within 24 hours of the expenditure.

**Form 497 – Late Contribution Report**

Any committee that makes or receives a late contribution totaling \$1,000 or more from a single source during the 16 days immediately prior to the election in which the candidate is to be voted must file a report with the City Clerk within 24 hours of the time the contribution was made or received.

**CITY OF MENLO PARK  
NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION  
CALENDAR**

**Three Council Seats (at-large) Four-Year Terms**

DAYS PRIOR TO ELECTION	DATE	ACTIONS
127 113	June 28, 2010 July 12, 2010	City Clerk to publish of notice of election between these dates. (EC 12101, 12102, GC 6061)
113	<b>July 12, 2010</b>	<b>CANDIDATE NOMINATION PERIOD OPENS</b> (EC 10220 et seq., 10407)
Fixed	<b>July 31, 2010</b>	<b>SEMI-ANNUAL CAMPAIGN STATEMENTS DUE</b> (GC 84200 et seq.)
88	<b>August 6, 2010</b>	<b>CANDIDATE NOMINATION PERIOD CLOSSES (5:00 p.m.)</b> (EC 10220 et seq., 10407)
88 78	August 6, 2010 August 16, 2010	Public review period for nomination documents. (EC 13313)
87 83	<b>August 7, 2010</b> <b>August 11, 2010</b>	<b>EXTENDED NOMINATION PERIOD</b> - If an incumbent does not file or fails to qualify by 5:00 p.m. on August 6, candidates other than the incumbent may obtain and file nomination papers during this period. (EC 10225, 10407)
85	<b>August 9, 2010</b>	Last day candidate may withdraw candidate statement for offices whose filing closed on August 8. (EC 13307)
83 73	August 11, 2010 August 23, 2010	Public review period for nomination papers for any candidate who filed under the extended nomination period, if applicable. Review period will end Monday, August 23, at 5:00 p.m. as the 73 <sup>rd</sup> day falls on Saturday, August 21. (EC 13313)
82	<b>August 12, 2010</b>	Last day candidate may withdraw candidate statement for candidates who filed nomination papers under the extension. (EC 13307)
82	August 12, 2010	Secretary of State performs random drawing for order of nominees on the ballot. (EC 13112)
60 7	September 3, 2010 October 26, 2010	Any registered overseas voter may apply for an absentee ballot. (EC 3302, 3304, 3306)
57 14	<b>September 6, 2010</b> <b>October 19, 2010</b>	<b>FILING PERIOD FOR WRITE-IN CANDIDATES</b> (EC 8600-8605)

DAYS PRIOR TO ELECTION	DATE	ACTIONS
40	September 23, 2010	State and County to mail sample ballot pamphlets to registered voters. (EC 9094, 13303)
Fixed	<b>October 5, 2010</b>	<b>PRE-ELECTION CAMPAIGN STATEMENTS DUE</b> (GC 84200 et seq.)
29 7	October 4, 2010 October 26, 2010	Absentee ballots may be obtained by mail between these dates. After this date absentee ballots may be obtained at the County Registrar of Voters. (EC 3001)
15	October 18, 2010	Last day to register to vote. (EC 2102, 2107)
Fixed	<b>October 21, 2010</b>	<b>PRE-ELECTION CAMPAIGN STATEMENTS DUE</b> (GC 84200 et seq.)
7	October 26, 2010	Last day for City Clerk to publish the notice of nominees. (EC 12110)
Fixed	October 29, 2010	City Clerk to publish campaign contribution list in newspaper. (Ordinance No. 860)
	<b>November 2, 2010</b>	<b>ELECTION DAY</b> (EC 1000)
28	November 30, 2010	Last day for County Registrar of Voters to certify election results. (EC 15372)
35	December 7, 2010	Tentative date for City Council to accept City Clerk certification of election results. (EC 10262 – 10265)
Fixed	<b>January 31, 2009</b>	<b>SEMI-ANNUAL CAMPAIGN STATEMENTS DUE</b> (GC 84200 et seq.)

Updated July 6, 2010

## **NOTICE TO NOMINEES CITY HALL HOURS FOR FILING NOMINATION PAPERS**

Anyone interested in taking out nomination papers as a council candidate for the November 2, 2010 General Municipal Election in the City of Menlo Park must obtain his/her nomination papers from the City Clerk and return them to the City Clerk during deadlines either established by law or during normal business hours.

The nomination period opens on **Monday, July 12, 2010 at 7:30 a.m.** and closes on **Friday, August 6, 2010 at 5:00 p.m.** City Hall hours during the nomination period are as follows:

- **Monday through Thursdays – 7:30 a.m. to 5:30 p.m.**
- **Fridays – July 23 and August 6 – 8:00 a.m. to 5:00 p.m.**
- **Fridays – July 16 and July 30 – CLOSED**

If an incumbent fails to return his/her nomination papers by 5:00 p.m. on Friday, August 6, 2010, the nomination period is extended for all but the incumbent until 5:00 p.m. on Wednesday, August 11, 2010.

You are encouraged to obtain and file your nomination papers early so that the City Clerk has the opportunity to review them with you and to give you the opportunity to correct any errors or omissions. Appointments aren't required, but are encouraged to alleviate waiting time. Please contact the City Clerk at (650) 330-6620 to schedule an appointment or if you have questions. You may also reach the City Clerk via e-mail at [msroberts@menlopark.org](mailto:msroberts@menlopark.org).

## DECLARATION OF CIRCULATOR

Any person registered to vote at the election and qualified to vote for the elective office for which this nomination is made may circulate a nomination paper.  
**(only 1 circulator may circulate this nomination paper per Elections Code Sections 104, 10220, 10222)**  
 (Do not type this section. It **MUST** be filled out in your own handwriting.)

I, \_\_\_\_\_, residing at \_\_\_\_\_, circulated the petition and witnessed the appended signatures being written. That according to the best information and belief each signature is the genuine signature of the person whose name it purports to be.

The signatures were obtained between \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at \_\_\_\_\_, on \_\_\_\_\_.

\_\_\_\_\_  
 (Signature of Circulator)

<b>OFFICIAL FILING FORM</b>
City Clerk or Deputy City Clerk
Date

# NOMINATION PAPER

We, the undersigned voters, hereby nominate \_\_\_\_\_

for the office of \_\_\_\_\_

for the City of \_\_\_\_\_ Election

to be voted for at the \_\_\_\_\_

to be held on Tuesday, \_\_\_\_\_

## AFFIDAVIT OF NOMINEE AND OATH OR AFFIRMATION OF ALLEGIANCE

State of California }  
 County of \_\_\_\_\_ } ss.

\_\_\_\_\_  
 (Print Name of Nominee)

being duly sworn, says that he or she is the above-named nominee for the office of: \_\_\_\_\_  
 (Print Name of Office)

that he or she will accept the office in the event of his or her election, that he or she desires his or her name to appear on the ballot as follows:

**Name & Occupation as it will appear on Official Ballot & in Voter Pamphlet:**

\_\_\_\_\_  
 (Print name in ALL CAPS as it is to appear above)

\_\_\_\_\_  
 (Print designation in Caps and lowercase above)

Male  Female

I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 (Signature of Candidate)  
 (Elections Code 10223, 10226)

### \* BALLOT DESIGNATION REQUIREMENTS

- \* At the option of the candidate, **ONLY ONE** of the following designations may be used:
  1. Words designating the elective city, county, district, state or federal office which the candidate holds at the time of filing the nomination papers to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior or municipal court judge.
  2. The word "Incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or in the case of a superior or municipal court judge, was appointed to that office.
  3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the U.S. at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. The use of the word "Retired" by itself or as a prefix is acceptable, but not after any other word or words (e.g. "Retired" and "Retired Army Officer" is permissible; "U.S.M.C., Retired" is not).
  4. The phrase "Appointed Incumbent" if the candidate holds office by virtue of appointment, but may not use the unmodified word "Incumbent". No candidate shall assume a designation which would mislead the voters. (See Section 13107, 13107.5, Elections Code)

	Sign Name	Residence Address	For Official Use
1	_____ Print Name	_____	
2	_____ Print Name	_____	
3	_____ Print Name	_____	
4	_____ Print Name	_____	
5	_____ Print Name	_____	
6	_____ Print Name	_____	
7	_____ Print Name	_____	
8	_____ Print Name	_____	
9	_____ Print Name	_____	
10	_____ Print Name	_____	

Public access to this document shall be limited to viewing the document only. The election official may not copy or distribute copies of documents that contain signatures of voters. (E.C. Section 17100).

A candidate shall not file nomination papers for more than one municipal office or term of office for the same municipality in the same election. (E.C. 10220.5)

11	Sign Name	Residence Address	For Official Use
	Print Name		
12	Sign Name	Residence Address	
	Print Name		
13	Sign Name	Residence Address	
	Print Name		
14	Sign Name	Residence Address	
	Print Name		
15	Sign Name	Residence Address	
	Print Name		
16	Sign Name	Residence Address	
	Print Name		
17	Sign Name	Residence Address	
	Print Name		
18	Sign Name	Residence Address	
	Print Name		
19	Sign Name	Residence Address	
	Print Name		
20	Sign Name	Residence Address	
	Print Name		
21	Sign Name	Residence Address	
	Print Name		
22	Sign Name	Residence Address	
	Print Name		
23	Sign Name	Residence Address	
	Print Name		
24	Sign Name	Residence Address	
	Print Name		
25	Sign Name	Residence Address	
	Print Name		
26	Sign Name	Residence Address	
	Print Name		
27	Sign Name	Residence Address	
	Print Name		

28	Sign Name	Residence Address	For Official Use
	Print Name		
29	Sign Name	Residence Address	
	Print Name		
30	Sign Name	Residence Address	
	Print Name		

Sample

**DECLARATION OF CIRCULATOR**  
(on next page)

(Only 1 registered voter may circulate a municipal nomination paper, Elections Code Sections 104, 10220, 10222)

**AFFIDAVIT OF NOMINEE  
AND OATH OR AFFIRMATION OF ALLEGIANCE**  
(on next page)

(A candidate may sign his or her own nomination paper.)

<b>CANDIDATE'S INFORMATION</b>			
.....	.....	.....	.....
Candidate's name		Day phone	
.....	.....	.....	.....
Candidate's Residence Address		Evening phone	
.....	.....	.....	.....
Mailing Address if different than above		Fax	
.....	.....	.....	.....
City	State	Zip	Email



# Ballot Designation Form



### CANDIDATE INFORMATION

FIRST NAME	MIDDLE NAME OR INITIAL (and/or nickname)	LAST NAME
OFFICE SOUGHT	E-MAIL ADDRESS	
TELEPHONE NUMBERS		
DAYTIME: ( )	EVENING: ( )	FAX: ( )

### ALTERNATE CONTACT INFORMATION (or other person authorized to act on your behalf)

FIRST NAME	MIDDLE NAME OR INITIAL (and/or nickname)	LAST NAME
TELEPHONE NUMBER ( )	FAX ( )	E-MAIL ADDRESS

### PROPOSED BALLOT DESIGNATION

PROPOSED DESIGNATION
1ST ALTERNATIVE
2ND ALTERNATIVE
Describe what you do and why you believe you are entitled to use the requested ballot designation. If using the title of an elective office, you may submit a copy of your certificate of election or appointment.

### VERIFICATION

JOB TITLE	DATES IN POSITION	
NAME OF EMPLOYER OR BUSINESS	NAME(S) OF PERSON(S) WHO CAN VERIFY THIS INFORMATION	
TELEPHONE NUMBERS		
MAIN: ( )	ALTERNATE: ( )	FAX: ( )

To the best of my knowledge and belief, the above-requested ballot designation(s) represent my true principal profession(s), vocation(s), and/or occupation(s) that I am entitled to use as my ballot designations pursuant to §13107 of the California Elections Code.

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

You may attach any documents or exhibits that you believe support your proposed ballot designation.

For your reference, the relevant provisions of Elections Code §13107 are reproduced below:

**13107.** (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior, municipal, or justice court judge.
  - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior, municipal, or justice court judge, was appointed to that office.
  - (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word.
  - (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.
- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
- (1) It would mislead the voter.
  - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
  - (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
  - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
  - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
  - (6) It uses a word or words referring to a racial, religious, or ethnic group.
  - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.
- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
  - (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e).
- (e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

**13107.5.** (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

- (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
  - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
  - (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.



## CANDIDATE STATEMENT OF QUALIFICATIONS

(Elections Code §13307)



Please Check appropriate word limit:

- 200 words
- 250 words
- 400 words

In the appropriate number of words, please type a brief description of your education & qualifications for the office. Statements must be prepared in paragraph format. Statements submitted on CD, or emails are encouraged, but a printed copy must be attached to this form.

As a candidate for **City Council**

within the district/jurisdiction of the **City of Menlo Park**

at the November 2, 2010 Gubernatorial General Election, I submit the following statement of qualifications:

### CANDIDATE STATEMENT OF QUALIFICATION

**Name:** \_\_\_\_\_

**Occupation:** \_\_\_\_\_  
(optional)

**Age:** \_\_\_\_\_  
(optional)

**Education and Qualifications:** \_\_\_\_\_  
(statement must be attached to this form)

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

***\* If the information provided on the form above differs from the information listed on the statement attached to this form, the information listed above will have precedence.***

---

### ESTIMATED COST

The cost of the statement is the responsibility of the Candidate.

The estimated fee to be collected from the candidate is \$350.

This estimated fee (based on three 200-250 word statements per page) is to be paid when you submit your candidate statement. Actual statement costs vary based upon the number submitted for each jurisdiction.

---

**CANDIDATE OPTIONS**

**I do not elect to file a statement** as permitted by EC §13307.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

**I am indigent and unable to pay for my prorated costs in advance.**

Attached are a financial statement pursuant to Elections Code §13309 and a release authorizing you to obtain a copy of my most recent federal income tax form. I certify under penalty of perjury under the laws of the State of California that the financial statement is true and correct.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Sample

OFFICIAL FILING FORM

Margaret S. Roberts  
CITY ELECTIONS OFFICIAL

By: \_\_\_\_\_

Date Issued: 7/12/2010

RECEIVED IN CITY OF MENLO PARK

Margaret S. Roberts  
CITY ELECTIONS OFFICIAL

By: \_\_\_\_\_

Date Received: \_\_\_\_\_

(OFFICE USE ONLY)

# Declaration of Candidacy

(Elections Code §§ 200, 8020, 8040, 10704)

I hereby declare myself a Nonpartisan Office Candidate for nomination/election to the office of **City Council** to be voted for at the **November 2, 2010** and declare the following to be true:

My name is **[NAME]**.

I request my name and ballot designation to appear on the ballot as follows:

<p>_____</p> <p style="text-align: center;">Print Your Name for Use on the Ballot</p> <p>_____</p> <p style="text-align: center;">Print Designation Requested</p>	<p>Candidate initials if preferring no designation:</p>
---	---

A ballot designation is optional. If no ballot designation is requested, write in the word "NONE" and initial in box.

**This occupational designation is true and in conformance with the requirements of Section 13107 of the Elections Code.**

NOTE: The Secretary of State will publish one of the addresses below in the certified list of candidates and on the SOS website. Please check the appropriate box to indicate which address you wish us to use for this purpose. If no box is selected, the first address listed below will be used.

Residence Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City State Zip Code

Telephone: \_\_\_\_\_

Daytime Evening

FAX and e-mail: \_\_\_\_\_

FAX e-mail

**IMPORTANT: BACK SIDE OF PAGE MUST BE COMPLETED**

I meet the statutory and constitutional qualifications for this office (including but not limited to citizenship, residency, and party affiliation, if required). If nominated/elected, I will accept the nomination/office and not withdraw. I will serve to the best of my ability. I am aware that any person who files or submits for filing a declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine or imprisonment, or both, as set forth in Section 18203 of the Elections Code.

I am at present an incumbent of the following public office (if any) \_\_\_\_\_

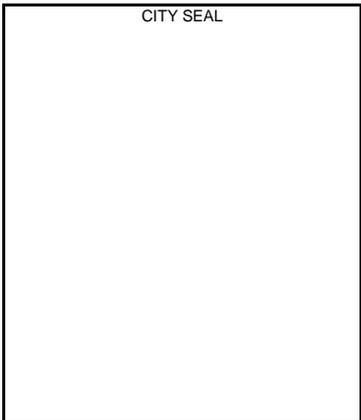
***I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.***

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Candidate  
State of California ss. }  
County of \_\_\_\_\_ San Mateo }  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
\_\_\_\_\_  
Notary Public (or other official)  
Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
\_\_\_\_\_  
Margaret S. Roberts By \_\_\_\_\_  
City Elections Official

### Oath of Office

I, [NAME], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_  
Signature of Candidate  
State of California ss. }  
County of \_\_\_\_\_ San Mateo }  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
\_\_\_\_\_  
Notary Public (or other official)  
Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
\_\_\_\_\_  
Margaret S. Roberts By \_\_\_\_\_  
City Elections Official



## RECEIPT FOR CANDIDATE STATEMENT OF QUALIFICATIONS

\_\_\_\_\_  
Name of Candidate

\_\_\_\_\_  
Fee Collected

\_\_\_\_\_  
Check Issued by

\_\_\_\_\_  
Check Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by City Clerk

A candidate may submit a candidate statement to be included in the voter pamphlet mailed to every registered voter by the San Mateo County Elections Department per Elections Code 13307. All candidate statements will be translated and printed in Spanish and Chinese in addition to English.

The City of Menlo Park requires that the City Clerk collect \$350 from the candidate for the printing of the candidate statement at the time nomination papers are filed. The \$350 is an estimate of the actual cost and the City Clerk will either bill the candidate for an additional amount or refund the candidate monies depending on the actual cost presented to the City by the San Mateo County Elections Department.

The candidate statement must be filed at the time nomination papers are filed. A candidate may withdraw, but not change, a candidate statement, up until 5:00 p.m. on the next working day after the close of the nomination period. For additional information regarding the content and filing of the candidate statement review the guidelines and forms provided by the City Clerk.

**CONSENT FORM FOR USE OF ENDORSER'S NAME  
IN CANDIDATE'S STATEMENT OF QUALIFICATIONS**

**CANDIDATE INFORMATION**

Candidate's Name: \_\_\_\_\_

**ENDORSER INFORMATION TO BE INCLUDED IN THE CANDIDATE'S  
STATEMENT OF QUALIFICATIONS**

Printed Name: \_\_\_\_\_

Titles\*: \_\_\_\_\_

\_\_\_\_\_

I hereby consent that my name may be used endorsing the candidate named above and included in the candidate's Statement of Qualifications for the Menlo Park General Municipal Election on November 2, 2010:

\_\_\_\_\_  
Endorser's Signature

\_\_\_\_\_  
Phone Number (*for contact purposes only*)

\_\_\_\_\_  
Date

\* *Any title included in the candidate statement is for identification purposes only.*

## CANDIDATE INFORMATION FOR PUBLIC REVIEW

Name of Candidate: \_\_\_\_\_

Home Address: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail \_\_\_\_\_

Telephone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell) \_\_\_\_\_

Occupation: \_\_\_\_\_

*Please indicate what contact information may be posted on the City's website by checking the boxes below and signing this form.*

**Home Address**       Yes       No

**Telephone (Home)**       Yes       No

(Work)       Yes       No

(Cell)       Yes       No

**E-Mail**       Yes       No

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
Date

**PERMISSION TO POST CANDIDATE HOME INFORMATION  
ON THE CITY OF MENLO PARK'S WEBSITE**

The City of Menlo Park maintains a website that offers the general public computerized access to a growing number of City documents and information.

Your candidate statement, any campaign statement filings, and other public information regarding your candidacy will be posted on this site. Government Code Section 6254.21 requires written approval be obtained prior to the posting of a **home address** or **home phone number** of elected or appointed officials.

**Please indicate at the bottom of this form whether or not you want our office to remove any reference to your home address or phone number from our web postings.**

- 
- Yes, you can include any reference to my home address and/or phone number as part of the candidate information posted on the City's website.
  - No, please do not post my home address and/or phone number as part of the candidate information posted on the City's website.

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Date



## Permission Procedures to Post Personal Information on San Mateo County's Website

### Government Code §6254.21

- (a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.
- (b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.
- (c) For purposes of this section "**electd or appointed official**" **includes, but is not limited to**, all of the following: (1) State Constitutional Officers; (2) Members of the Legislature; (3) Judges and Court Commissioners; (4) District Attorneys; (5) Public Defenders; (6) Members of a City Council; (7) Members of a Board of Supervisors; (8) Appointees of the Governor; (9) Appointees of the Legislature; (10) Mayors; (11) City Attorneys; (12) Police Chiefs and Sheriffs; (13) A Public Safety Official as defined in Section 6254.24.

**You may direct us to post SOME, ALL or NONE of your personal information online; whatever you choose, your name and ballot designation will appear on the Candidate Roster which is posted on [www.shapethefuture.org](http://www.shapethefuture.org).**

- Some of your information.** If you wish to post some of the information online, list all the information that you want to post. We will post all of the information that you list. Leave blank anything you want kept private.
- All of your information.** If you want all of your information listed online, fill out the form completely.
- None of your information.** If you decide to not to post your information online, we will only post your name and ballot designation on the Candidate Roster. To keep your information private, check the "Deny" box below, print your name on form below, sign and date the form.

In accordance with California Government Code § 6254.21, I hereby:

Grant

Deny

permission to the **San Mateo County Elections Division** to post the information listed below on the Chief Elections Officer & Assessor-County Clerk-Recorder's intranet and internet sites for the November 2, 2010 Gubernatorial General Election Roster of Candidates.

(go to next page)



# Permission Form to Post Personal Information on San Mateo County's Website

The following information will be posted on the candidate information pages on the San Mateo County websites:

\_\_\_\_\_  
Name *(please print clearly)*

\_\_\_\_\_  
Address *(residential, business, mailing, or PO Box)*

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone (day) (evening)

\_\_\_\_\_  
E-mail/website address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sample



# Chinese Given Name or Preferred Transliteration

November 2, 2010 Gubernatorial General Election

Candidate Name: \_\_\_\_\_

Female/Male: \_\_\_\_\_

Office Title/Jurisdiction: \_\_\_\_\_

Candidate names are listed in English along with a Chinese transliteration in the Chinese version of the Sample Ballot and Official Ballot. Each candidate must choose **one** of the options below and return the form to your filing officer to ensure correct printing of the Chinese Sample Ballot and Official Ballot.

## OPTION 1:

**If you have a Chinese given name or a preferred transliteration to be printed in the Chinese version of the Sample Ballot and Official Ballot, please write each (traditional) character clearly, and as large as possible, in the box below.**

Candidate's Chinese given name/preferred transliteration.	
_____	_____
Candidate Signature	Date

## OPTION 2:

**If you do not have a Chinese given name and would like our court certified translator to create one for you, please sign in the box below.**

Chinese name provided by court certified translator.	
_____	_____
Candidate Signature	Date

## OPTION 3:

**If you do not wish to have a Chinese transliteration of your name for printing on the Sample Ballot and Official Ballot, please sign in the box below.**

I do not wish to have a Chinese transliteration of my name appear in the Sample Ballot and Official Ballot.	
_____	_____
Candidate Signature	Date



---

2009/2010

# FORM 700

## Statement of Economic Interests

Also available on the FPPC website:  
Form 700 Reference Pamphlet

a public document

---

### **Fair Political Practices Commission**

428 J Street, Suite 620 • Sacramento, CA 95814

Toll-Free Advice Line: 866-ASK-FPPC • (866) 275-3772

Telephone: (916) 322-5660

[www.fppc.ca.gov](http://www.fppc.ca.gov)

## What's New

- Effective January 1, 2010, an individual hired for a position not yet covered under an agency's conflict-of-interest code must file Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. Such individuals are referred to as "code filers." See Regulation 18734.
- New restrictions on receiving tickets to nonprofit and political fundraisers and other events.

More information is contained in the Reference Pamphlet.

## Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200.
- Employees and appointed officials filing pursuant to a conflict-of-interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700.
- Candidates running for local elective offices that are designated in a conflict-of-interest code (for example, county sheriffs, city clerks, school board trustees, and water board members).
- Members of newly created boards and commissions not yet covered under a conflict-of-interest code.

(See Form 700 Reference Pamphlet, page 2, at [www.fppc.ca.gov](http://www.fppc.ca.gov) or obtain from your filing officer.)

## Where to file:

### 87200 Filers

State offices	⇒	Your agency
Judicial offices	⇒	The clerk of your court
Retired Judges	⇒	Directly with FPPC
Legislative Staff	⇒	Directly with FPPC
County offices	⇒	Your county filing official
City offices	⇒	Your city clerk
Multi-County offices	⇒	Your agency

### Code Filers — State and Local Officials and Employees Designated in a Conflict-of-Interest Code:

File with your agency, board, or commission unless otherwise specified in your agency's conflict-of-interest code. In most cases, the agency, board, or commission will retain the statements.

## Members of Boards and Commissions of Newly Created Agencies:

File with your newly created agency or with your agency's code reviewing body.

**Candidates:** File with your local elections office.

## How to file:

The Form 700 is available at [www.fppc.ca.gov](http://www.fppc.ca.gov). Effective January 1, 2010, Form 700 schedules are also available in Excel format. All statements must have an original "wet" signature. Instructions, examples, and a reference pamphlet are available.

## When to file:

### Annual Statements

#### ⇒ March 1, 2010

- Elected State Officers
- Judges and Court Commissioners
- State Board and Commission Members listed in Government Code Section 87200

#### ⇒ April 1, 2010

- Most other filers

Individuals filing under conflict-of-interest codes in city and county jurisdictions should verify the annual filing date with their local filing officer.

Statements postmarked by the filing deadline are considered filed on time.

### Assuming, Leaving, and Initial Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict-of-interest code.

### Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents.

### Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at [www.fppc.ca.gov](http://www.fppc.ca.gov).

**Statements that are mailed are considered filed on the postmark date. There is no provision for filing deadline extensions.** Statements of 30 pages or less may be faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

## INTRODUCTION

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The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

### Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. For 2009-2010, the gift limit is \$420 from a single source during a calendar year.

In addition, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. (See Reference Pamphlet, page 9.)

State and local officials and employees should also check with their agency to determine if any other restrictions apply.

### Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Reference Pamphlet, page 9.)

### Loan Restrictions

Certain state and local officials are subject to restrictions on loans. (See Reference Pamphlet, page 13.)

### Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose (for example, a personal residence is often not reportable, but may be disqualifying). Specific disqualification requirements apply to 87200 filers (for example, city councilmembers, members of boards of supervisors and planning commissioners). These officials must orally identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105 and Regulation 18702.5 at, [www.fppc.ca.gov](http://www.fppc.ca.gov).

### Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts. The FPPC website has fact sheets explaining the provisions.

### Late Filing

The filing officer who retains originally signed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties can be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

**For assistance** concerning reporting, prohibitions, and restrictions under the Act:

- Call the FPPC toll-free at (866) ASK-FPPC
- See the booklet entitled "Your Duty to File: A Basic Overview of State Economic Disclosure Law and Reporting Requirements for Public Officials"

### Form 700 Public Access

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and copy any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.

Reproduction fees of no more than 10 cents per page may be charged.

# INSTRUCTIONS — COVER PAGE

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Since the Form 700 is a public document**, you may list your business/office address instead of your home address.

## Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court.)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45.)
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst.)
- If you hold multiple positions (for example, a city council member who also is a member of a county board or commission), you may be required to file statements with each agency. To simplify your filing obligations, you may complete an expanded statement.

To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing a statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

Remember that if you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April 1 annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

## Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 12, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (for example, school districts and special districts), check the “other” box and enter the county or city in which the agency has jurisdiction.

<b>1. Office, Agency, or Court</b>
Name of Office, Agency, or Court: <b>South Sutter Water District</b>
Division, Board, District, if applicable:
Your Position: <b>Board member</b>
► If filing for multiple positions, list additional agency(ies)/ position(s): (Attach a separate sheet if necessary.)
Agency: _____
Position: _____
<b>2. Jurisdiction of Office (Check at least one box)</b>
<input type="checkbox"/> State
<input type="checkbox"/> County of _____
<input type="checkbox"/> City of _____
<input type="checkbox"/> Multi-County _____
<input checked="" type="checkbox"/> Other <b>Portions of Yuba &amp; Sutter Counties</b>

## Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

## Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2009 Annual Statement, **do not** change the pre-printed dates to reflect 2010. Your annual statement is used for reporting the previous year’s economic interests. Economic interests for your annual filing covering January 1, 2009, through December 31, 2009, will be disclosed on your statement filed in 2010. (See Reference Pamphlet, page 3.)

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1 but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

## Part 4. Schedule Summary

- Enter the total number of completed pages including the cover page and either:  
Check the “Yes” box for each schedule you use to disclose interests.

- or -

If you have nothing to disclose on any schedule, check the “No reportable interests” box. Please **do not** attach any blank schedules.

## Part 5. Verification

Complete the verification by signing the statement and entering the date signed. When you sign your statement, you are stating, under penalty of perjury, that it is true and correct. Only the filer has authority to sign the statement.

**An unsigned statement is not considered filed and you may be subject to late filing penalties.**

COVER PAGE

*A Public Document*

Please type or print in ink.

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER ( )	
MAILING ADDRESS <i>(Business Address Acceptable)</i>	STREET	CITY	STATE	ZIP CODE
			OPTIONAL: E-MAIL ADDRESS	

**1. Office, Agency, or Court**

Name of Office, Agency, or Court: \_\_\_\_\_

Division, Board, District, if applicable: \_\_\_\_\_

Your Position: \_\_\_\_\_

► If filing for multiple positions, list additional agency(ies)/ position(s): (Attach a separate sheet if necessary.)

Agency: \_\_\_\_\_

Position: \_\_\_\_\_

**2. Jurisdiction of Office (Check at least one box)**

State

County of \_\_\_\_\_

City of \_\_\_\_\_

Multi-County \_\_\_\_\_

Other \_\_\_\_\_

**3. Type of Statement (Check at least one box)**

Assuming Office/Initial Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Annual: The period covered is January 1, 2009, through December 31, 2009.

**-or-**

The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through December 31, 2009.

Leaving Office Date Left: \_\_\_\_/\_\_\_\_/\_\_\_\_ (Check one)

The period covered is January 1, 2009, through the date of leaving office.

**-or-**

The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through the date of leaving office.

Candidate Election Year: \_\_\_\_\_

**4. Schedule Summary**

► Total number of pages including this cover page: \_\_\_\_\_

► Check applicable schedules or "No reportable interests."

I have disclosed interests on one or more of the attached schedules:

Schedule A-1  Yes – schedule attached  
*Investments (Less than 10% Ownership)*

Schedule A-2  Yes – schedule attached  
*Investments (10% or Greater Ownership)*

Schedule B  Yes – schedule attached  
*Real Property*

Schedule C  Yes – schedule attached  
*Income, Loans, & Business Positions (Income Other than Gifts and Travel Payments)*

Schedule D  Yes – schedule attached  
*Income – Gifts*

Schedule E  Yes – schedule attached  
*Income – Gifts – Travel Payments*

**-or-**

No reportable interests on any schedule

**5. Verification**

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any 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.**

Date Signed \_\_\_\_\_  
 (month, day, year)

Signature \_\_\_\_\_  
 (File the originally signed statement with your filing official.)

## WHICH SCHEDULE DO I USE?

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### COMMON REPORTABLE INTERESTS

Schedule A-1:	Stocks
Schedule A-2:	Business entities, partnerships, LLCs, corporations, trusts
Schedule B:	Rental property in the jurisdiction
Schedule C:	Non-government salaries of public official and spouse/registered domestic partner
Schedule D:	Gifts from non-family members (such as tickets to sporting or entertainment events)
Schedule E:	Travel payments from third parties (not your employer)

### COMMON NON-REPORTABLE INTERESTS

Schedule A-1/A-2:	Diversified mutual funds registered with the SEC under the Investment Company Act of 1940 and certain retirement accounts invested in insurance policies or governmental bonds
Schedule A-1/A/2:	Savings and checking accounts
Schedule B:	A residence used exclusively as a personal residence (such as a home or vacation cabin)
Schedule C:	Government salary (such as a school district)
Schedule D:	Gifts from family members
Schedule E:	Travel paid by your government agency

- Remember:**
- Mark the “No reportable interests” box on Part 4 of the Schedule Summary on the Cover Page if you determine you have nothing to disclose and file the cover page only. **Make sure you carefully read all instructions to ensure proper reporting.**
  - The Form 700 is a public document.
  - Most individuals must consult their agency’s conflict-of-interest code for reportable interests.
  - Most individuals file the Form 700 with their agency.

## QUESTIONS AND ANSWERS

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- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the cover page as the agencies for which you will be filing. Report your economic interests using the broadest jurisdiction and disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement **before signing it**, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am classified as a department head but recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as “acting”, “interim”, or “alternate” must file as if they hold the position.
- Q. I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes. You may also need to file an assuming office statement for the new agency.

### Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of “doing business in the jurisdiction” is not limited to whether the business has an office in your jurisdiction. (See Reference Pamphlet, page 12.)
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I hold many stocks through an account managed by a brokerage firm. Must I disclose these stocks even though I did not decide which stocks to purchase?
- A. Yes, you must disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.
- Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 90’s; however, I am constantly buying and selling shares. Must I note these dates in the “Acquired” and “Disposed” fields?
- A. No. You must only report dates in the “Acquired” or “Disposed” fields when, if during the reporting period, you initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment. Note: If a previously reported investment falls below the \$2,000 reporting threshold, you may note this in the comment section of the schedule.

## QUESTIONS AND ANSWERS Continued

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### Income Disclosure

- Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?
- A. No, only the clients doing business on a regular basis in your jurisdiction must be disclosed.
- Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?
- A. Regulation 18740 provides a procedure in which a client's name may not be disclosed if disclosure of the name would violate a legally recognized privilege under California law. This regulation may be obtained from our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).
- Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?
- A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Reference Pamphlet, page 7, for the definition of "business entity.")
- Q. How do I disclose my spouse's or registered domestic partner's salary?
- A. Report the name of the employer as a source of income on Schedule C.
- Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?
- A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you.

### Gift Disclosure

- Q. If I received a gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?

- A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.
- Q. Co-workers are hosting a retirement party for a public official before the official leaves office. Attendees will pay \$45; \$35 covers the event's costs (food, decorations, etc.) and \$10 goes toward a gift. One co-worker is collecting the funds and making the expenditures. What does the official report on his Form 700?
- A. The official discloses the amount that includes the total value of the gift, plus \$35 (his pro rata share of the event's cost). The source can be identified as "office staff" or "co-workers." The names of individual donors are not required to be reported as long as no individual contributed \$50 or more.
- Q. Mary and Joe Benson, a married couple, want to give a piece of artwork to a close friend who is a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?
- A. Yes, each spouse may make a gift valued at \$420 during 2009-2010. Therefore, the Bensons may give the supervisor artwork valued at no more than \$840. The supervisor must identify Joe and Mary Benson as the sources of the gift.
- Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought \$10 worth of raffle tickets and won a gift basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?
- A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

## INSTRUCTIONS – SCHEDULES A-1 AND A-2 INVESTMENTS

“Investment” means a financial interest in any business entity which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency’s jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. (See Reference Pamphlet, page 12.)

### Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 12.)
- Sole proprietorships
- Your own business or your spouse’s or registered domestic partner’s business (See Reference Pamphlet, page 7, for the definition of “business entity.”)
- Your spouse’s or registered domestic partner’s investments that are legally separate property
- Partnerships (for example, a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 14.)
- If you, your spouse or registered domestic partner, or dependent children had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Reference Pamphlet, page 14, for more information on disclosing trusts.)
- Business trusts

### You are not required to disclose:

- Diversified mutual funds registered with the Securities and Exchange Commission (SEC) under the Investment Company Act of 1940
- Bank accounts, savings accounts, and money market accounts
- Insurance policies
- Annuities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (for example, insurance policies, diversified mutual funds, or government bonds) (See Reference Pamphlet, page 14.)

### REMINDERS

- Do you know your agency’s jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

- Government defined-benefit pension plans
- Interests held in a blind trust (See Reference Pamphlet, page 15.)

**Use Schedule A-1** to report ownership of less than 10% (for example, stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

**Use Schedule A-2** to report ownership of 10% or greater (for example, a sole proprietorship).

### TO COMPLETE SCHEDULE A-1:

*Do not attach brokerage or financial statements.*

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (for example, pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively.
- Identify the nature of your investment (for example, stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

### Examples:

John Smith holds a state agency position. His conflict-of-interest code requires full disclosure of investments. John must disclose his stock holdings of \$2,000 or more in any company that does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Susan Jones is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Susan must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

# SCHEDULE A-1

## Investments

### Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.

CALIFORNIA FORM **700**

FAIR POLITICAL PRACTICES COMMISSION

Name \_\_\_\_\_

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_ (Describe)  
 Partnership       Income of \$0 - \$500  
    Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
\_\_\_\_\_/\_\_\_\_\_/09      \_\_\_\_/\_\_\_\_\_/09  
ACQUIRED                      DISPOSED

Comments: \_\_\_\_\_

## INSTRUCTIONS – SCHEDULE A-2

### INVESTMENTS, INCOME, AND ASSETS OF BUSINESS ENTITIES/TRUSTS

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Use Schedule A-2 to report investments in a business entity or trust (including a living trust) in which you, your spouse or registered domestic partner, or your dependent children had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 12.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. You are not required to report a trust that contains no reportable interests. For example, if you have a trust containing only your personal residence, your savings account, and some municipal bonds, you would not report this trust because these interests are not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

#### TO COMPLETE SCHEDULE A-2:

**Part 1.** Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the fair market value of your investment.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (for example, if you were a director, officer, partner, trustee, employee, or held any position of management).

**Part 2.** Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

**Part 3.** Disclose the name of each source of income which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if

your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting period. (See Reference Pamphlet, page 10, for examples.) Income from governmental sources may be reportable if not considered salary. (See Regulation 18232.) Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.

- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. (See Reference Pamphlet, page 7, for an explanation of commission income.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Leave Part 3 blank if you do not have any reportable \$10,000 sources of income to disclose. Adding phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" may trigger a request for an amendment to your statement. (See Reference Pamphlet, page 13, for details about privileged information.)

**Part 4.** Report any investments or interests in real property held **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the address or other precise location (for example, an assessor's parcel number).
- Check the box indicating the fair market value of your interest in the real property or investment. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

# SCHEDULE A-2

## Investments, Income, and Assets of Business Entities/Trusts

(Ownership Interest is 10% or Greater)

**CALIFORNIA FORM 700**

FAIR POLITICAL PRACTICES COMMISSION

Name \_\_\_\_\_

**▶ 1. BUSINESS ENTITY OR TRUST**

Name \_\_\_\_\_

Address (Business Address Acceptable) \_\_\_\_\_

Check one  
 Trust, go to 2     Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

---

<p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000	<p>IF APPLICABLE, LIST DATE:</p> <table style="width: 100%; text-align: center;"> <tr> <td>____/____/09</td> <td>____/____/09</td> </tr> <tr> <td>ACQUIRED</td> <td>DISPOSED</td> </tr> </table>	____/____/09	____/____/09	ACQUIRED	DISPOSED
____/____/09	____/____/09				
ACQUIRED	DISPOSED				

NATURE OF INVESTMENT  
 Sole Proprietorship     Partnership     \_\_\_\_\_ Other

YOUR BUSINESS POSITION \_\_\_\_\_

**▶ 1. BUSINESS ENTITY OR TRUST**

Name \_\_\_\_\_

Address (Business Address Acceptable) \_\_\_\_\_

Check one  
 Trust, go to 2     Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

---

<p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000	<p>IF APPLICABLE, LIST DATE:</p> <table style="width: 100%; text-align: center;"> <tr> <td>____/____/09</td> <td>____/____/09</td> </tr> <tr> <td>ACQUIRED</td> <td>DISPOSED</td> </tr> </table>	____/____/09	____/____/09	ACQUIRED	DISPOSED
____/____/09	____/____/09				
ACQUIRED	DISPOSED				

NATURE OF INVESTMENT  
 Sole Proprietorship     Partnership     \_\_\_\_\_ Other

YOUR BUSINESS POSITION \_\_\_\_\_

**▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**

<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$10,001 - \$100,000
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> \$1,001 - \$10,000	

**▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**

<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$10,001 - \$100,000
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> \$1,001 - \$10,000	

**▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)**

\_\_\_\_\_

\_\_\_\_\_

**▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)**

\_\_\_\_\_

\_\_\_\_\_

**▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST**

Check one box:  
 INVESTMENT     REAL PROPERTY

Name of Business Entity or  
 Street Address or Assessor's Parcel Number of Real Property \_\_\_\_\_

Description of Business Activity or  
 City or Other Precise Location of Real Property \_\_\_\_\_

<p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000	<p>IF APPLICABLE, LIST DATE:</p> <table style="width: 100%; text-align: center;"> <tr> <td>____/____/09</td> <td>____/____/09</td> </tr> <tr> <td>ACQUIRED</td> <td>DISPOSED</td> </tr> </table>	____/____/09	____/____/09	ACQUIRED	DISPOSED
____/____/09	____/____/09				
ACQUIRED	DISPOSED				

NATURE OF INTEREST  
 Property Ownership/Deed of Trust     Stock     Partnership

Leasehold \_\_\_\_\_ Yrs. remaining     Other \_\_\_\_\_

Check box if additional schedules reporting investments or real property are attached

**▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST**

Check one box:  
 INVESTMENT     REAL PROPERTY

Name of Business Entity or  
 Street Address or Assessor's Parcel Number of Real Property \_\_\_\_\_

Description of Business Activity or  
 City or Other Precise Location of Real Property \_\_\_\_\_

<p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000	<p>IF APPLICABLE, LIST DATE:</p> <table style="width: 100%; text-align: center;"> <tr> <td>____/____/09</td> <td>____/____/09</td> </tr> <tr> <td>ACQUIRED</td> <td>DISPOSED</td> </tr> </table>	____/____/09	____/____/09	ACQUIRED	DISPOSED
____/____/09	____/____/09				
ACQUIRED	DISPOSED				

NATURE OF INTEREST  
 Property Ownership/Deed of Trust     Stock     Partnership

Leasehold \_\_\_\_\_ Yrs. remaining     Other \_\_\_\_\_

Check box if additional schedules reporting investments or real property are attached

Comments: \_\_\_\_\_

## INSTRUCTIONS – SCHEDULE B INTERESTS IN REAL PROPERTY

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. (See Reference Pamphlet, page 12.)

### Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 13.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 14.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, or your dependent children had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

### You are not required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Interests in real property held through a blind trust (See Reference Pamphlet, page 15, for exceptions.)

### TO COMPLETE SCHEDULE B:

- Report the address or other precise location (for example, an assessor's parcel number) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.

#### REMINDERS

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Code filers – do your disclosure categories require disclosure of real property?

- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, leave this section blank.
- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (for example, Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

### Example:

Joe Nelson is a city planning commissioner. Joe received rental income of \$12,000 during the reporting period from a single tenant who rented property Joe owned in the city's jurisdiction. If Joe had received the \$12,000 from two or more tenants, the tenants' names would not be required as long as no single tenant paid \$10,000 or more.

STREET ADDRESS OR PRECISE LOCATION <b>4600 24th Street</b>	
CITY <b>Sacramento, CA 95814</b>	
FAIR MARKET VALUE	IF APPLICABLE, LIST DATE:
<input type="checkbox"/> \$2,000 - \$10,000	<input type="checkbox"/> / / 09    / / 09
<input type="checkbox"/> \$10,001 - \$100,000	ACQUIRED    DISPOSED
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000	
<input type="checkbox"/> Over \$1,000,000	
NATURE OF INTEREST	
<input checked="" type="checkbox"/> Ownership/Deed of Trust	<input type="checkbox"/> Easement
<input type="checkbox"/> Leasehold	<input type="checkbox"/> Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED	
<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$500 - \$1,000
<input checked="" type="checkbox"/> \$1,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.	
<b>Henry Wells</b>	
NAME OF LENDER*	
<b>Sophia Petroillo</b>	
ADDRESS	
<b>2121 Blue Sky Parkway</b>	
BUSINESS ACTIVITY OF LENDER	
<b>Restaurant Owner</b>	
INTEREST RATE	TERM (Months/Years)
<b>8</b> % <input type="checkbox"/> None	<b>15</b> Years
HIGHEST BALANCE DURING REPORTING PERIOD	
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> \$1,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> Guarantor, if applicable	

**SCHEDULE B**  
**Interests in Real Property**  
 (Including Rental Income)

Name \_\_\_\_\_

▶ STREET ADDRESS OR PRECISE LOCATION  
 \_\_\_\_\_  
 CITY \_\_\_\_\_

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:  
 \$2,000 - \$10,000  
 \$10,001 - \$100,000  
 \$100,001 - \$1,000,000  
 Over \$1,000,000

ACQUIRED \_\_\_\_\_/\_\_\_\_\_/09 DISPOSED \_\_\_\_\_/\_\_\_\_\_/09

NATURE OF INTEREST  
 Ownership/Deed of Trust  Easement  
 Leasehold \_\_\_\_\_  \_\_\_\_\_  
 Yrs. remaining Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED  
 \$0 - \$499  \$500 - \$1,000  \$1,001 - \$10,000  
 \$10,001 - \$100,000  OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.  
 \_\_\_\_\_  
 \_\_\_\_\_

▶ STREET ADDRESS OR PRECISE LOCATION  
 \_\_\_\_\_  
 CITY \_\_\_\_\_

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:  
 \$2,000 - \$10,000  
 \$10,001 - \$100,000  
 \$100,001 - \$1,000,000  
 Over \$1,000,000

ACQUIRED \_\_\_\_\_/\_\_\_\_\_/09 DISPOSED \_\_\_\_\_/\_\_\_\_\_/09

NATURE OF INTEREST  
 Ownership/Deed of Trust  Easement  
 Leasehold \_\_\_\_\_  \_\_\_\_\_  
 Yrs. remaining Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED  
 \$0 - \$499  \$500 - \$1,000  \$1,001 - \$10,000  
 \$10,001 - \$100,000  OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.  
 \_\_\_\_\_  
 \_\_\_\_\_

\* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER\* \_\_\_\_\_  
 ADDRESS (Business Address Acceptable) \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF LENDER \_\_\_\_\_  
 INTEREST RATE \_\_\_\_\_%  None TERM (Months/Years) \_\_\_\_\_  
 HIGHEST BALANCE DURING REPORTING PERIOD  
 \$500 - \$1,000  \$1,001 - \$10,000  
 \$10,001 - \$100,000  OVER \$100,000  
 Guarantor, if applicable

NAME OF LENDER\* \_\_\_\_\_  
 ADDRESS (Business Address Acceptable) \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF LENDER \_\_\_\_\_  
 INTEREST RATE \_\_\_\_\_%  None TERM (Months/Years) \_\_\_\_\_  
 HIGHEST BALANCE DURING REPORTING PERIOD  
 \$500 - \$1,000  \$1,001 - \$10,000  
 \$10,001 - \$100,000  OVER \$100,000  
 Guarantor, if applicable

Comments: \_\_\_\_\_

**INSTRUCTIONS – SCHEDULE C**  
**INCOME, LOANS, & BUSINESS POSITIONS**  
**(Income Other Than Gifts and Travel Payments)**

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Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Reference Pamphlet, page 10.) Also report your job title with each reportable business entity, even if you received no income during the reporting period. You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

A source of income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 12, for more information about doing business in the jurisdiction.) Reportable sources of income may be further limited by your disclosure category located in your agency's conflict-of-interest code.

**Commonly reportable income and loans include:**

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 7.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others, including loan repayments from a campaign committee
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 9, concerning your ability to receive future honoraria.)
- Incentive compensation (See Reference Pamphlet, page 11.)

**REMINDERS**

- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

**You are not required to report:**

- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency

**See Reference Pamphlet, page 11, for more exceptions to income reporting.**

**TO COMPLETE SCHEDULE C:**

**Part 1. Income Received/Business Position Disclosure**

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. (See Reference Pamphlet, page 7.)
- For income from rental property that is not required to be listed on Schedule B, enter "Rental Income" under "Name of Source," check the box indicating the gross income received, and, if you had a 10% or greater interest in the rental property, list the name of each tenant if your pro rata share of the gross income from that tenant was \$10,000 or more during the reporting period.

**Part 2. Loans Received or Outstanding During the Reporting Period**

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
  - For variable interest rate loans, disclose the conditions of the loan (for example, Prime + 2) or the average interest rate paid during the reporting period.
  - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

**SCHEDULE C**  
**Income, Loans, & Business**  
**Positions**  
 (Other than Gifts and Travel Payments)

**CALIFORNIA FORM 700**  
 FAIR POLITICAL PRACTICES COMMISSION

Name \_\_\_\_\_

▶ 1. INCOME RECEIVED	▶ 1. INCOME RECEIVED
NAME OF SOURCE OF INCOME _____ ADDRESS (Business Address Acceptable) _____ BUSINESS ACTIVITY, IF ANY, OF SOURCE _____ YOUR BUSINESS POSITION _____	NAME OF SOURCE OF INCOME _____ ADDRESS (Business Address Acceptable) _____ BUSINESS ACTIVITY, IF ANY, OF SOURCE _____ YOUR BUSINESS POSITION _____
GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income <input type="checkbox"/> Loan repayment <input type="checkbox"/> Sale of _____ <span style="margin-left: 150px;"><i>(Property, car, boat, etc.)</i></span> <input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, list each source of \$10,000 or more  <input type="checkbox"/> Other _____ <span style="margin-left: 150px;"><i>(Describe)</i></span>	CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income <input type="checkbox"/> Loan repayment <input type="checkbox"/> Sale of _____ <span style="margin-left: 150px;"><i>(Property, car, boat, etc.)</i></span> <input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, list each source of \$10,000 or more  <input type="checkbox"/> Other _____ <span style="margin-left: 150px;"><i>(Describe)</i></span>

**▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD**

\* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____ ADDRESS (Business Address Acceptable) _____ BUSINESS ACTIVITY, IF ANY, OF LENDER _____	INTEREST RATE _____% <input type="checkbox"/> None	TERM (Months/Years) _____
HIGHEST BALANCE DURING REPORTING PERIOD <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	SECURITY FOR LOAN <input type="checkbox"/> None <input type="checkbox"/> Personal residence <input type="checkbox"/> Real Property _____ <span style="margin-left: 150px;"><i>Street address</i></span> <span style="margin-left: 150px;">_____</span> <span style="margin-left: 150px;"><i>City</i></span> <input type="checkbox"/> Guarantor _____ <input type="checkbox"/> Other _____ <span style="margin-left: 150px;"><i>(Describe)</i></span>	

Comments: \_\_\_\_\_

## INSTRUCTIONS – SCHEDULE D INCOME – GIFTS

---

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

**Gifts are reportable regardless of where the donor is located.**

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary.

### Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering, where you did not give a speech, participate in a panel or seminar, or provide a similar service
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 15)
- An honorarium (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 9, regarding your ability to receive future honoraria.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

### You are not required to disclose:

- Gifts that were not used and which, within 30 days after receipt, were returned to the donor or delivered to a charitable organization without being claimed by you as a charitable contribution for tax purposes

#### REMINDERS

- Gifts from a single source are subject to a \$420 limit. See Reference Pamphlet, page 9.
- See Reference Pamphlet, page 1, for rules on tickets.
- Code filers – you only need to report gifts from reportable sources.

- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, or first cousin (Included in this exception are gifts from your spouse's or domestic partner's children, parents, brothers, sisters, and the spouse or registered domestic partner of the individuals listed above. The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.)
- Gifts of hospitality involving food, drink, or occasional lodging provided in an individual's home when the individual or a member of the individual's family was present
- Gifts of similar value exchanged between you and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- A single ticket to a 501(c)(3) or political fundraising event received for your own use from the organization or the committee holding the fundraiser (The gift limit applies to nonprofit tickets.)
- Gifts given to members of your immediate family unless you enjoy direct benefit of the gift, use the gift, or exercise discretion or control over the use or disposition of the gift (See Commission Regulation 18944.)
- A pass or ticket that provided a one-time admission to an event (e.g., theater performance or sporting event) that was not used and was not transferred to another person (Commission Regulation 18946.1 provides a method for determining the value of a ticket or pass that was used or transferred to another person and for determining the value of passes or tickets which provide repeated admission to facilities or services.)
- Food, beverages, and necessary accommodations provided directly in connection with an event at which you gave a speech, participated in a panel or seminar, or provided a similar service

### TO COMPLETE SCHEDULE D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

**SCHEDULE D**  
**Income – Gifts**

Name \_\_\_\_\_

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

Comments: \_\_\_\_\_

## INSTRUCTIONS – SCHEDULE E TRAVEL PAYMENTS, ADVANCES, AND REIMBURSEMENTS

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" at [www.fppc.ca.gov](http://www.fppc.ca.gov).

**You are not required to disclose:**

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C
- Payments or reimbursements for transportation within California in connection with an event at which you gave a speech, participated in a panel or seminar, or performed a similar service
- Food, beverages, and necessary accommodations received directly in connection with an event held inside or outside California at which you gave a speech, participated in a panel, or provided a similar service (Note that payments for transportation outside of California are reportable.)
- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration

**TO COMPLETE SCHEDULE E:**

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity, if any, of the source.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).

- **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$50 or more from a single source during the period covered by the statement. Gifts of travel are reportable without regard to where the donor is located.

When reporting travel payments that are gifts, you must provide a description of the gift and the date(s) received.

- **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts.

When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

**Example:**

City council member Rick Chandler is a board member of the League of California Cities. The League reimburses its board members for travel and lodging, as well as meals and other expenses associated with board meetings.

▶ NAME OF SOURCE	
League of California Cities	
ADDRESS	
1400 K Street, Suite 400	
CITY AND STATE	
Sacramento, CA	
BUSINESS ACTIVITY, IF ANY, OF SOURCE	
Association of city officials	
DATE(S):	AMT: \$ 588.00
<small>(If applicable)</small>	
TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input checked="" type="checkbox"/> Income	
DESCRIPTION: <u>Travel reimbursement for board meeting</u>	

If Rick provides equal or greater consideration for the travel and lodging when he participates in the meeting, the reimbursements are reported as income. Note that the burden is on the official to determine whether he or she has provided equal or greater value for the payment.

# SCHEDULE E

## Income – Gifts

### Travel Payments, Advances, and Reimbursements

- **Reminder – you must mark the gift or income box.**
- **You are not required to report income from government agencies.**

▶ NAME OF SOURCE \_\_\_\_\_

ADDRESS *(Business Address Acceptable)* \_\_\_\_\_

CITY AND STATE \_\_\_\_\_

BUSINESS ACTIVITY, IF ANY, OF SOURCE \_\_\_\_\_

DATE(S): \_\_\_\_/\_\_\_\_/\_\_\_\_ - \_\_\_\_/\_\_\_\_/\_\_\_\_ AMT: \$ \_\_\_\_\_  
*(If applicable)*

TYPE OF PAYMENT: (must check one)     Gift     Income

DESCRIPTION: \_\_\_\_\_

▶ NAME OF SOURCE \_\_\_\_\_

ADDRESS *(Business Address Acceptable)* \_\_\_\_\_

CITY AND STATE \_\_\_\_\_

BUSINESS ACTIVITY, IF ANY, OF SOURCE \_\_\_\_\_

DATE(S): \_\_\_\_/\_\_\_\_/\_\_\_\_ - \_\_\_\_/\_\_\_\_/\_\_\_\_ AMT: \$ \_\_\_\_\_  
*(If applicable)*

TYPE OF PAYMENT: (must check one)     Gift     Income

DESCRIPTION: \_\_\_\_\_

▶ NAME OF SOURCE \_\_\_\_\_

ADDRESS *(Business Address Acceptable)* \_\_\_\_\_

CITY AND STATE \_\_\_\_\_

BUSINESS ACTIVITY, IF ANY, OF SOURCE \_\_\_\_\_

DATE(S): \_\_\_\_/\_\_\_\_/\_\_\_\_ - \_\_\_\_/\_\_\_\_/\_\_\_\_ AMT: \$ \_\_\_\_\_  
*(If applicable)*

TYPE OF PAYMENT: (must check one)     Gift     Income

DESCRIPTION: \_\_\_\_\_

▶ NAME OF SOURCE \_\_\_\_\_

ADDRESS *(Business Address Acceptable)* \_\_\_\_\_

CITY AND STATE \_\_\_\_\_

BUSINESS ACTIVITY, IF ANY, OF SOURCE \_\_\_\_\_

DATE(S): \_\_\_\_/\_\_\_\_/\_\_\_\_ - \_\_\_\_/\_\_\_\_/\_\_\_\_ AMT: \$ \_\_\_\_\_  
*(If applicable)*

TYPE OF PAYMENT: (must check one)     Gift     Income

DESCRIPTION: \_\_\_\_\_

**Comments:** \_\_\_\_\_

# PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

As found in Chapter 5 of Division 20 of the California Elections Code

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

20400. The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions<sup>1</sup>

20420. As used in this chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the code shall read, as follows:

20441. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

**(See Over)**

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<sup>1</sup> 304. "Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the elections or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type general, public, political advertising.

305. "Candidate for public office" means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

## CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

***I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.***

**Date:** \_\_\_\_\_ **Candidate Signature:** \_\_\_\_\_

**Candidate's Name:** \_\_\_\_\_

**City:** \_\_\_\_\_

**Office Sought:** \_\_\_\_\_

**Election Type/Date:** **General Election, November 2, 2010**

## Who Files:

A candidate for state or local office must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election.

You must file a separate Form 501 for each election, including reelection to the same office.

Exception: This form is not required if you will not solicit or receive contributions from other persons and the only expenditures will be from your personal funds used for the filing fee and/or statement of qualifications in the sample ballot or ballot pamphlet.

## Where to File:

File with the filing officer who will receive your original campaign disclosure statements.

## State Candidates:

Secretary of State  
Political Reform Division  
1500 11th Street, Room 495  
Sacramento, CA 95814

## Local Candidates:

Generally your county election office or city clerk.

## When to File:

File the Form 501 before you solicit or receive any contributions or before you make expenditures from personal funds on behalf of your candidacy. This form is considered filed the date it is postmarked or hand delivered.

## How to Complete:

All candidates: Complete Parts 1 and 3.

Candidates for elective state office: Complete Parts 1, 2, and 3.

Exception: Candidates for any election to the State Public Employees Retirement Board do not complete Part 2.

## Part 1. Candidate Information

- Enter your name and street address.
- Enter the title of the office sought, agency name and district number if any (e.g., City Council member, City of Smalltown, Dist. 5), and political party affiliation, if seeking a partisan office.
- Check the appropriate box regarding the office's jurisdiction.

## Part 2. Voluntary Expenditure Ceiling

This section applies to certain candidates for elective state offices, including State Senate and Assembly and statewide offices.

The voluntary expenditure ceiling applicable to your office is set forth in FPPC regulation 18545 and is published on the FPPC web site ([www.fppc.ca.gov](http://www.fppc.ca.gov)). You must state whether you accept or reject the expenditure ceiling. Candidates who accept the voluntary expenditure limit will be designated in either the state ballot pamphlet (statewide candidates) or the voter information portion of the sample ballot (Senate and Assembly candidates) and may purchase space for a 250-word statement there.

You may amend the Form 501 to change your acceptance or rejection of the voluntary expenditure ceiling only under the following circumstances:

- Between the date of filing an initial Form 501 for an election and the deadline for filing nomination papers for that election, you may amend your statement of acceptance or rejection of the voluntary expenditure ceiling no more than two times.
- If you reject the voluntary expenditure ceiling in the primary or special election but do not exceed the ceiling during that election, you may amend the

Form 501 to accept the expenditure ceiling for the general or special runoff election and receive all of the benefits accompanying the acceptance of the expenditure ceiling. The amended Form 501 must be filed within 14 days following the primary or special election.

## Subsequent Election When Ceiling not Exceeded:

If you reject the voluntary expenditure ceiling in the primary or special election but do not exceed the ceiling, you may accept the expenditure ceiling for a subsequent general or special run-off election and receive all the benefits accompanying such an agreement. To do so, you must file an amended Form 501 within 14 days following the primary or special election.

## Personal Funds Notification:

You must disclose, if applicable, the date you contribute personal funds to your own campaign that exceed the expenditure ceiling. File an amended Form 501 within 24 hours by guaranteed overnight delivery or personal delivery.

## Part 3. Verification

Sign and date the form in ink. An unsigned statement is not considered filed.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC [Campaign Disclosure Manual](#) (available from your filing officer or the FPPC). Campaign filing deadlines, forms, and other informational materials are available on the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)).

# Candidate Intention Statement

Type or Print in Ink.

CANDIDATE INTENTION STATEMENT

Date Stamp

**CALIFORNIA  
FORM 501**

For Official Use Only

Check One:  Initial  Amendment (Explain) \_\_\_\_\_

## 1. Candidate Information:

NAME OF CANDIDATE *(Last, First, Middle Initial)* DAYTIME TELEPHONE NUMBER FAX NUMBER *(optional)* E-MAIL *(optional)*  
 ( ) ( )  
 STREET ADDRESS CITY STATE ZIP CODE

OFFICE SOUGHT (POSITION TITLE) AGENCY NAME DISTRICT NUMBER, *if applicable.*  NON-PARTISAN  
 PARTY:

OFFICE JURISDICTION

State *(Complete Part 2.)*  
 City  County  Multi-County: \_\_\_\_\_ *(Name of Multi-County Jurisdiction)* \_\_\_\_\_ *(Year of Election)*

## 2. State Candidate Expenditure Limit Statement:

*(CalPERS candidates, judges, judicial candidates, and candidates for local offices are not required to complete Part 2.)*

\_\_\_\_\_ **Primary/general election** \_\_\_\_\_ **Special/runoff election**  
*(Year of Election)* *(Year of Election)*

*(Check one box)*

I **accept** the voluntary expenditure ceiling for the election stated above.

I **do not accept** the voluntary expenditure ceiling for the election stated above.

Amendment:

I did not exceed the expenditure ceiling in the primary or special election held on: \_\_\_\_/\_\_\_\_/\_\_\_\_ and I **accept** the voluntary expenditure ceiling for the general or special run-off election.

*(Mark if applicable)*

On \_\_\_\_/\_\_\_\_/\_\_\_\_, I contributed personal funds in excess of the expenditure ceiling for the election stated above.

## 3. Verification:

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_,  
*(month, day, year)*

Signature \_\_\_\_\_  
*(Candidate)*

**Fair Political Practices Commission**  
**Candidates for Local Office (Including Superior Court Judges)**  
**Committees Primarily Formed to Support/Oppose Local Candidates**  
**Committees Primarily Formed to Support/Oppose Local Measures**  
**Being Voted on November 2, 2010**

<b>Deadline</b>	<b>Period</b>	<b>Form</b>	<b>Notes</b>
<b>Apr 30, 2010</b> <i>Quarterly</i>	1/1/10 - 3/31/10	<a href="#">460</a>	<ul style="list-style-type: none"> <li>▪ File personal delivery or first class mail.</li> <li>▪ Candidates are not required to file this report, only ballot measure committees.</li> </ul>
<b>Aug 2, 2010</b> <i>Semi-Annual</i>	<b>See below</b> - 6/30/10	<a href="#">460</a>	<ul style="list-style-type: none"> <li>▪ Personal delivery or first class mail.</li> <li>▪ The July 31 deadline falls on Saturday, so the deadline is extended to the next business day.</li> </ul>
<b>Oct 5, 2010</b> <i>Pre-Election</i>	7/1/10 - 9/30/10	<a href="#">460</a>	<ul style="list-style-type: none"> <li>▪ File personal delivery or first class mail.</li> </ul>
<b>Oct 21, 2010</b> <i>Pre-Election</i>	10/1/10 - 10/16/10	<a href="#">460</a>	<ul style="list-style-type: none"> <li>▪ File personal delivery or guaranteed overnight service only.</li> </ul>
<b>Within 24 Hours</b> <i>Late Reports</i>	10/17/10 - 11/1/10	<a href="#">496</a> <a href="#">497</a>	<ul style="list-style-type: none"> <li>▪ File personal delivery, guaranteed overnight service, or fax.</li> <li>▪ 496: File if independent expenditures of \$1,000 or more are made. See note below. <b>Do not file for expenditures on your committee's behalf.</b></li> <li>▪ 497: File if a contribution of \$1,000 or more is received.</li> <li>▪ 497: File if a contribution of \$1,000 or more is made to <i>another</i> candidate or <i>another</i> measure being voted on November 2 or made to a political party committee.</li> <li>▪ The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind or non-monetary contribution is received.</li> </ul>
<b>Jan 31, 2011</b> <i>Semi-Annual</i>	10/17/10 - 12/31/10	<a href="#">460</a>	<ul style="list-style-type: none"> <li>▪ File personal delivery or first class mail.</li> </ul>

- **Period Covered:** 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.
- A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.
- Local jurisdictions may impose contribution limits and additional filing requirements.
- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required.
- **Form 470:** Candidates that do not have a committee or raise/spend \$1,000 in 2010, may file Form 470 on October 5, 2010. Form 470 can not be filed for other deadlines if the candidate has a committee or has raised/spent \$1,000 or more in 2010. After filing a Form 470, if the candidate raises/spends \$1,000 or more in 2010, see Manual 2, Chapter 4 for additional required filings.
- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.
- **Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.
- All statements are public documents. Paper reports may be mailed by first class mail unless otherwise noted.
- For important information refer to [www.fppc.ca.gov](http://www.fppc.ca.gov) and click on the Candidates and Committees section. Use [Campaign Manual 2](#) and [Campaign Manual 3](#).

## **Candidate/Treasurer Seminars and Workshops**

### **CANDIDATE / TREASURER SEMINARS 2010**

This two-hour workshop provides information to candidates and their treasurers on how to prepare their campaign finance reports and observe the Political Reform Act's requirements and prohibitions.

Reservations are required! Call 1-866-ASK-FPPC (1-866-275-3772) or 916-322-5660 to sign up.

#### Information:

August 4, 2010, 7-9 PM  
Council Chambers  
26379 Fremont Road  
Los Altos Hills, CA 94022

August 10, 2010, 7 - 9 pm  
Council Chambers  
11600 Air Expressway  
Adelanto, CA 92301

August 17, 2010, 6 - 8 pm  
City Council Chambers, Room 213  
1685 Main Street  
Santa Monica, CA 90401

August 18, 2010, 7-9 PM  
Council Chambers  
8200 Westminster Blvd.  
Westminster, CA 92683

August 24, 2010, 7-9 PM  
5201 Ruffin Road, Suite I  
San Diego, CA 92123

August 25, 2010, 7-9 PM  
Board of Supervisor's Conference Room  
2800 Burrel Avenue  
Visalia, CA 93291

August 31, 2010, 7-9 PM  
Council Chambers  
990 Palm Street  
San Luis Obispo, CA 93401

September 8, 2010, 7-9 PM  
North Berkeley Senior Center, Multi-Purpose Room

1901 Hearst Avenue  
Berkeley, CA 94709

September 15, 2010, 7-9 PM  
1300 S. Grand Avenue, Building C, Registrar of Voters  
Santa Ana, CA 92706

September 16, 2010, 7-9 PM  
Fair Political Practices Commission, 8th Floor Hearing Room  
428 J Street, Suite 620  
Sacramento, CA 95814

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ORDINANCE NO. 860

AN ORDINANCE OF THE CITY OF MENLO PARK  
PROVIDING ADDITIONAL DISCLOSURE REQUIREMENTS  
FOR CANDIDATES TO THE OFFICE OF CITY COUNCIL  
AND ADDING SECTIONS TO CHAPTER 2.06 OF THE  
MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1: PURPOSE. The City Council of the City of Menlo Park enacts this Ordinance to supplement the requirements of State law with regard to the reporting of campaign contributions.

SECTION 2: The following sections are added to Chapter 2.06 of the Menlo Park Municipal Code as follows:

2.06.040 Contributions and Contributors. On the Friday preceding any special or general election, the City Clerk shall publish in a newspaper of general circulation in the City of Menlo Park the name of each person and committee from whom a contribution or contributions totalling \$25.00 or more have been received, the amounts each person or committee contributed, and the candidates or committees which received such amounts, as such appear on the Campaign Statements filed within the six (6) month period prior to the election pursuant to Article 2 (commencing with Section 84200) of the Government Code and/or the provisions of this Chapter.

For the purposes of this section, the definitions contained in Article 2 (commencing with Section 82000) of the Government Code apply.

2.06.050 Anonymous Contributions. No person shall make an anonymous contribution or contributions to a candidate, committee, or any other person totalling \$25.00 or more in a calendar year. An anonymous contribution between \$25.00 and \$100.00 shall not be kept by the intended recipient but instead shall be promptly paid to the City Clerk for deposit in the general fund of the City.

2.06.060 Disclosure in Campaign Statements. Each Campaign Statement required to be filed by Article 2 of Chapter 4 of the Political Reform Act of 1974 shall contain, in addition to any other required information:

a. The total amount of contributions received during the period covered by the Campaign Statement from persons who have given less than \$25.00.

b. The full name of each person from whom a contribution or contributions totalling between \$25.00 and \$100.00 has been received, together with the contributor's

street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self employed, the amount of the contribution, and the date the contribution was received.

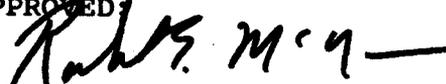
SECTION 3: This Ordinance shall be published once in the Menlo Atherton Recorder, a newspaper of general circulation, printed, published and circulated in the City of Menlo Park and shall take effect immediately upon its passage and adoption.

INTRODUCED on the 9th day of August , 1994.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the 20th day of September , 1994, by the following vote:

AYES:	Councilmembers:	JONES, MORRIS and SLOCUM.
NOES:	Councilmembers:	McNAMARA and TOLLES.
ABSENT:	Councilmembers:	NONE.
ABSTAIN:	Councilmembers:	NONE.

APPROVED:

  
Robert E. McNamara, Mayor of  
the City of Menlo Park

ATTEST:

  
Jaye M. Carr, City Clerk

## When to File

File the Form 410 within 10 days of receiving \$1,000 in contributions. See 24-hour reporting if the committee qualifies 16 days before an election. The date the form is postmarked is the date it is considered filed.

The “date qualified” as a committee is the date that the committee received contributions totaling \$1,000 or more during a calendar year. If a Form 410 is filed prior to receipt of \$1,000 in contributions, check the box “Not yet qualified.” Once the committee qualifies, file an amended Form 410 to report the date qualified.

## Identification Number

Complete all sections applicable to your committee. Failure to provide all required information will result in rejection of the Form 410 and may put you in violation of the Act. After filing the Form 410, access the committee’s ID number at [www.sos.ca.gov](http://www.sos.ca.gov).

## Where to File

**All Committees:** Original and one copy  
Secretary of State  
Political Reform Division  
1500 11th Street, Rm 495  
Sacramento, CA 95814

## County & City

**Committees:** Also file a copy with local filing officer who will receive the original campaign statements

## Terminating

File statements until the termination rules are met and the Form 410 Termination is filed.

## Amendments

When information contained in the committee’s Statement of Organization changes, file an amendment within 10 days of the change with the Secretary of State and local filing officer (if applicable). During the period 16 days before an election, file an amendment within 24 hours as described below.

## 24-Hour Reporting

In addition to the 10 day rule to file an original Form 410:

- a recipient committee that qualifies during the 16 days prior to an election in which it must file pre-election statements must file a Form 410 by fax, guaranteed overnight delivery, or personal delivery within 24 hours of qualification with the filing officer who will receive the committee’s original disclosure statements.
- a recipient committee that qualifies during the 16 days prior to an election in which the committee makes independent expenditures of \$1,000 or more to support or oppose a candidate in that election must file the Form 410 within 24 hours of qualification with the filing officer who will receive the committee’s original disclosure statements and with the filing officer(s) for the candidate(s) supported or opposed by the independent expenditure. These filings must be made by fax, guaranteed overnight delivery, personal delivery or online (if online filing is available).
- if, during the 16 days prior to an election when a committee is required to file pre-election statements, a change occurs in the name of the committee, the treasurer or other principal officers, or the controlling candidate, an

amendment must be filed with the filing officer receiving the committee’s original campaign statements within 24 hours of the change. The amendment must be sent by fax, online transmission, guaranteed overnight delivery, or personal delivery.

## Recipient Committee Definition

A recipient committee is any individual (including an officeholder or a candidate), group of individuals, organization, or any other entity that receives contributions totaling \$1,000 or more during a calendar year. The term “contribution” includes monetary payments, loans and non-monetary goods and services received or made for a political purpose.

**Candidates:** The personal funds of a candidate or officeholder used in connection with seeking or holding elective office are contributions and are counted toward qualifying as a recipient committee. However, personal funds used to pay a candidate filing fee or a fee for the statement of qualifications to appear in the ballot pamphlet are not counted toward the \$1,000 threshold.

This form was prepared by the Fair Political Practices Commission (FPPC). For information on Political Reform Act (Act) requirements and the Information Practices Act of 1977, see the FPPC [Campaign Disclosure Manual](#) for your type of committee. Campaign filing deadlines, forms, and other informational materials are available on the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)).

# Statement of Organization Recipient Committee

STATEMENT OF ORGANIZATION

Type or print in ink

## Statement Type

**Initial**  
Not yet qualified  or

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date qualified as committee

**Amendment**  
List I.D. number:

# \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date qualified as committee  
(If applicable)

**Termination – See Part 5**  
List I.D. number:

# \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Termination

Date Stamp	<b>CALIFORNIA FORM 410</b>
	For Official Use Only

## 1. Committee Information

NAME OF COMMITTEE \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ AREA CODE/PHONE \_\_\_\_\_

MAILING ADDRESS (IF DIFFERENT) \_\_\_\_\_

**OPTIONAL:** FAX / E-MAIL ADDRESS \_\_\_\_\_

COUNTY OF DOMICILE \_\_\_\_\_

COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT  
THAN COUNTY OF DOMICILE \_\_\_\_\_

Attach additional information on appropriately labeled continuation sheets.

## 2. Treasurer and Other Principal Officers

NAME OF TREASURER \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ AREA CODE/PHONE \_\_\_\_\_

NAME OF ASSISTANT TREASURER, IF ANY \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ AREA CODE/PHONE \_\_\_\_\_

NAME OF PRINCIPAL OFFICER(S) \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ AREA CODE/PHONE \_\_\_\_\_

## 3. Verification

I have used all reasonable diligence in preparing this 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 \_\_\_\_\_  
DATE

By \_\_\_\_\_  
SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on \_\_\_\_\_  
DATE

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on \_\_\_\_\_  
DATE

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on \_\_\_\_\_  
DATE

By \_\_\_\_\_  
SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

## Statement Type:

### Initial

The “date qualified” as a committee is the date that the committee received contributions totaling \$1,000 or more during a calendar year.

### Amendment

If any of the information reported on an initial statement of organization changes:

- Mark the amendment box;
- Include the committee’s ID number and name;
- Provide the changed information; and
- Complete the verification.

### Candidates:

Under certain circumstances, a candidate for local office may amend the Form 410 to indicate that he or she is seeking another term of the same office (re-election). A candidate for state office must open a separate committee for each term of office and may not amend the Form 410 to redesignate an election committee.

### Termination

List the committee’s identification number and indicate the date of termination.

## 1. Committee Information:

Provide the full name of the committee. A committee may use only one name.

The committee’s street address must be reported. A post office box is not acceptable. The committee’s mailing address must also be reported if it is different from the committee’s street address. A post office box is acceptable for the mailing address. A committee’s “domicile” is its address as listed on the Form 410. Los Angeles is the county of domicile for committees located outside California.

### Committee Name Requirements

The following committee name rules apply to the Form 410, the committee’s campaign statements and to any other references to the committee required by law. See the instructions for Part 4 for committee definitions.

**Candidate Controlled Committees (including ballot measure committees):** Any committee that is controlled by a state or local candidate or officeholder must include the last name of the candidate in the name of the committee. In addition, the following rules also apply:

- An **election committee** controlled by one or more state or local candidates must also include the office the candidate(s) is seeking and the year of the election (e.g., Friends of Smith for Assembly 2010, Jones for Council 2010).
- An **officeholder committee** set up by a state officeholder must also include the office held, the year the officeholder was elected to the current term of office, and the words “Officeholder Account,” as part of the committee name (e.g., Anderson Assembly 2010 Officeholder Account).
- A **legal defense fund** set up by a state or local candidate or officeholder must also include the words “Legal Defense Fund” as part of the committee name (e.g., Senator Smith Legal Defense Fund).
- A **ballot measure committee** controlled by one or more state candidates must also state that it is a ballot measure committee (e.g., Senator Lee’s Ballot Measure Committee). See additional requirements for primarily formed committees.

**Sponsored Committees:** A sponsored committee (including most political action committees) must include the full name of its sponsor in the name of the committee. If the committee has more than one sponsor and the sponsors are members of an industry or other identifiable group, include a term identifying that industry or group.

### Primarily Formed Committees

**Ballot Measures:** The name of each committee primarily formed to support or oppose a ballot measure must include:

- A statement identifying whether it supports or opposes the ballot measure(s) (e.g., Committee For Proposition/Measure \_\_ or Committee Against Proposition/Measure \_\_).
- The name must include the economic or other special interests of its major donors of \$50,000 or more, in descending order based on the amount contributed to the committee. The list of these economic or special interests may not be interspersed with constituencies such as “concerned citizens, or consumers.”
- The name of any state or local candidate that contributes \$50,000 or more.
- Prior to the designation of the ballot measure number, a primarily formed ballot measure committee controlled by a state candidate must also state that it is a ballot measure committee (e.g., Senator Gomez’s Ballot Measure Committee).

**Recalls:** Each committee established for a recall election must include the name of the officeholder subject to the recall. If the committee is not controlled by the officeholder, the committee must state its support or opposition (e.g., Committee Opposing the Recall of Council Member Doe).

**Supporting or Opposing a Candidate:** The name of each committee primarily formed to support or oppose a state or local candidate(s) being voted on in a single election, other than a recall election, must include the name of each candidate, the office sought, the year of the election and must state whether the committee supports or opposes the candidate(s) (e.g., Committee to Support Doe for Senate 2010).

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

I.D. NUMBER

## 4. Type of Committee Complete the applicable sections.

### **Controlled Committee**

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "non-partisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

### **Primarily Formed Committee** Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE

## 2. Treasurer and Other Principal Officers:

The committee may have only one treasurer and one assistant treasurer. A candidate may be his or her own treasurer or assistant treasurer. A committee may not accept a contribution or make an expenditure without a treasurer.

A committee that is not controlled by a candidate or officeholder must disclose the name, street address, and telephone number of the committee's principal officer(s). The principal officer of a committee is the individual(s) primarily responsible for approving the political activity of the committee, including authorizing the content of committee communications, authorizing the committee's contributions and other expenditures, and determining the committee's campaign strategy. If more than three individuals qualify as principal officers of the committee, identify no fewer than three. If no individual other than the committee treasurer qualifies as a principal officer, identify that individual as both the treasurer and the principal officer. An attachment may be necessary.

## 3. Verification:

The committee treasurer or assistant treasurer must sign the Form 410.

### Controlled Committees

Each controlling officeholder, candidate or state ballot measure proponent must sign the Form 410. If more than three control the committee, one of them may sign on behalf of all controlling individuals. If a candidate will serve as his or her own treasurer, he or she must sign as the candidate and again as the treasurer.

## 4. Type of Committee:

A committee must complete each applicable section. In some instances, a committee may qualify as more than one type of committee.

### Controlled Committee

A "controlled committee" is one which is controlled directly or indirectly by an officeholder, candidate, or state measure proponent, or which acts jointly with an officeholder, candidate, state measure proponent, or another controlled committee in connection with making expenditures.

A committee is controlled if the officeholder, candidate, or proponent, his/her agent, or any other committee he/she controls, has a significant influence on the actions or decisions of the committee.

"Proponents" of state measures are persons who request the Attorney General to prepare a title and summary of a state initiative, referendum, or measure.

- **Candidate Election Committee:** A candidate must disclose bank account information on the Form 410. List the name and address of the financial institution where the campaign bank account is located and the bank account number.

If a campaign bank account is not open at the time of filing an initial Form 410, amend the Form 410 within 10 days of opening the bank account.

- **Ballot Measure Committee Controlled by State Candidate:** Identify each measure on which the committee has spent or anticipates spending \$50,000 or more in the current two-year period, beginning with January 1 of an odd-numbered year. If the ballot designation has not been assigned, describe the purpose of the anticipated measure(s). Amend the Form 410 when a ballot designation is assigned. Provide this information in the primarily formed or general purpose section or on an attachment.
- **Legal Defense Committee:** On an attachment, describe the specific legal dispute or disputes for which the legal defense fund was established.

The Form 410 must be amended within 10 days when legal disputes are either resolved or new disputes are initiated.

### Primarily Formed Committee

A committee is "primarily formed" when it makes or initially plans to make more than 70% of its contributions and expenditures to support or oppose a specific candidate or measure, or a group of measures or specific local candidates all being voted upon in the same election on the same date.

A committee is required to monitor whether it is spending more than 70% on a specific candidate or measure by checking its contributions and expenditures quarterly (at the end of March, June, September and December). A new committee formed within six months of an election in which it will make contributions or expenditures must review its expenditures at the end of each month. (See FPPC Regulation 18247.5.)

A committee controlled by a candidate for his or her own candidacy is not a primarily formed committee.

**Recall Committees:** A committee supporting or opposing a recall must list the committee measure's title, and the officeholder's name and office. A recall committee will mark whether it supports or opposes the officeholder.

If a primarily formed committee meets the sponsored committee definition, also complete the sponsored committee section.

### General Purpose Committee

A committee is a "general purpose committee" if its principal activity is supporting or opposing a variety of candidates or measures voted on in different elections.

**Statement of Organization  
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 3

COMMITTEE NAME

I.D. NUMBER

**4. Type of Committee** (Continued)

**General Purpose Committee**

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee     COUNTY Committee     STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

**Sponsored Committee**

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

**Small Contributor Committee**

\_\_\_\_\_  
Date qualified

**5. Termination Requirements** By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
  - This committee does not anticipate receiving contributions or making expenditures in the future;
  - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
  - This committee has no surplus funds; and
  - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

- A state committee makes more than 50% of its contributions or expenditures to support or oppose candidates or measures voted on in a state election, or in more than one county. This includes contributions to other state general purpose committees. All political party committees (including county central committees) are state committees.
- A county committee makes more than 50% of its contributions or expenditures to support or oppose candidates or measures voted on in a single county, or in more than one jurisdiction within one county. This includes contributions to other general purpose committees in the same county.
- A city committee makes more than 50% of its contributions or expenditures to support or oppose candidates or measures voted on in a single city, or in one consolidated city and county. This includes contributions to other city general purpose committees in the same city.

A committee is required to check its contributions and expenditures periodically to make sure it is filing reports in the appropriate jurisdiction - as a state, county, or city committee. A committee must review its contributions and expenditures quarterly (at the end of March, June, September and December). A new committee formed within six months of an election in which it will make contributions or expenditures must review its expenditures at the end of each month. If a general purpose committee's spending is focusing heavily on one particular race, it must also review at those times whether its status has changed to a primarily formed committee. If a committee changes jurisdiction or status, it must file a Form 410 amendment and may have different report filing obligations. (See FPPC Regulation 18247.5.)

Provide a brief description of the committee's political activities such as whether it supports

candidates or measures that share a common political affiliation. If the general purpose committee meets the sponsored committee definition, also complete the sponsored committee section.

### **Sponsored Committee**

A "sponsored committee" is a general purpose or primarily formed committee, other than an officeholder or candidate controlled committee, that has one or more sponsors.

An organization, business, or other entity is a sponsor if one or more of the following apply:

- The committee receives 80% or more of its contributions from the entity or organization or its members, officers, employees, or shareholders.
- The entity or organization collects contributions for the committee by use of payroll deductions or dues from its members, officers or employees.
- The entity or organization, alone or in combination with other entities or organizations, provides all or nearly all of the administrative services for the committee.
- The entity or organization, alone or in combination with other entities or organizations, sets the policies for contribution solicitations or payment of expenditures from committee funds.

See the instructions for Part 1 for name identification requirements.

### **Small Contributor Committee**

A "small contributor committee" is one that has been in existence for more than six months; receives contributions from 100 or more persons; makes contributions to five or more candidates; and has not received more than \$200 from one person in a calendar year. See FPPC Regulation 18503.

## **5. Termination Requirements**

Recipient committees may only terminate when:

- They have ceased to receive contributions and make expenditures; and
- They do not anticipate receiving contributions, repayments of outstanding loans made to others, or any other receipts in the future, and they do not anticipate making expenditures in the future; and
- They have eliminated or have no intention or ability to discharge all their debts, loans received, and other obligations; and
- They have no funds; and
- They have filed all required campaign statements disclosing all reportable transactions, including disposition of funds.

**State Candidates:** There are specific mandatory termination deadlines applicable to your controlled committees. See FPPC Regulation 18404.1.

### **How to Terminate**

#### **State Committees**

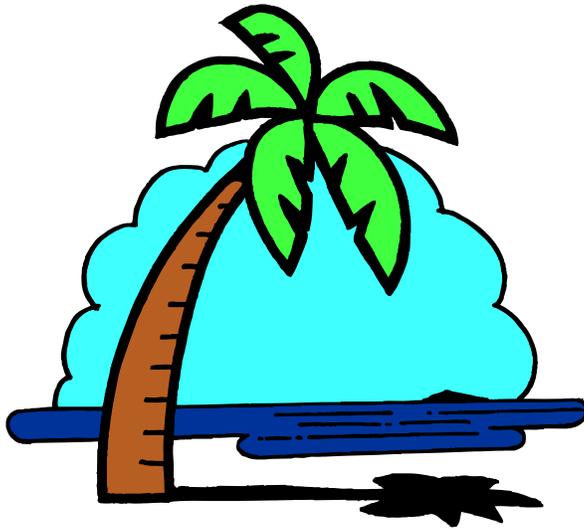
- File an original and one copy of the Form 410 - Statement of Organization Termination along with an original and one copy of your Form 450 or 460 with the Secretary of State.
- File one copy of the Form 450 or 460 with the election officials in San Francisco and Los Angeles. State candidates must also file with their county of domicile, if different.

#### **Local Committees**

- File an original and one copy of the Form 410 - Statement of Organization Termination with the Secretary of State; and
- File a copy of the Form 410 - Statement of Organization Termination, along with an original and one copy of your Form 450 or 460 with your filing officer.

# Campaign Disclosure Manual 2

*Information for Local Candidates,  
Superior Court Judges,  
Their Controlled Committees,  
and Primarily Formed Committees  
for Local Candidates*



**California Fair Political  
Practices Commission**

Toll-free advice line: 1 (866) ASK-FPPC  
Web site: [www.fppc.ca.gov](http://www.fppc.ca.gov)

May 2007

# What's New for 2007

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**Telephone Advertisements:** Section 84310 was added to the Act by AB 2275 (Chapter 439, Stats. 2006) requiring candidates and committees that use campaign funds to make 500 or more telephone calls to disclose the name of the person or organization that authorized or paid for the call. A script of the call or a copy of a recorded telephone message must be kept by the committee for four years. Certain exceptions apply. (See pages 1-7 and 3-8.)

**Committee Names:** Regulation 18402 was amended to require the last name of the candidate to be included in the name of any election committee controlled by the candidate. The new requirement applies to committees formed on or after July 1, 2007. (See page 4-13.)

**Installment Payments:** Regulations 18216 and 18421.1 were amended to clarify that contributions received via “installment” payments charged to a credit card or deducted from a contributor’s account are reported when each installment payment is received and that such arrangements do not constitute an “enforceable promise” to make a contribution. (See pages 1-5, 2-2, and 6-8.)

**Bank Accounts:** Regulation 18421.3 was adopted to allow candidates to contract with a vendor or collecting agent to collect contributions prior to transferring to the campaign bank account without violating the “one bank account” rule. (See page 1-1.)

**Candidate Form 460 or 470:** A Q&A was added clarifying which form should be used by a candidate who intends to raise or spend \$1,000 or more during a calendar year, but has not done so by the closing date of the semi-annual campaign report. (See page 4-8.)

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# Introduction

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This manual provides important information on campaign disclosure rules for four types of filers:

- Local candidates and officeholders who do not have a controlled committee;
- Local candidates and officeholders who have a controlled committee;
- Superior Court judges and candidates for Superior Court; and
- Local “primarily formed committees,” which means committees that support or oppose a local candidate or a group of local candidates all being voted upon in the same election and are **not** controlled by the candidate(s) or officeholder(s) they support.

This manual describes the state campaign finance and disclosure law that applies to local candidates and committees. Many cities and counties have also adopted local laws governing campaign finance and disclosure. Local candidates and committees should check with their local elections or ethics agency about contribution limits and other requirements to follow in their city or county elections.

State candidates and officeholders, their controlled committees, and committees primarily formed to support or oppose state candidates should refer to FPPC’s *Information Manual 1 for State Candidates, Their Controlled Committees, and Primarily Formed Committees for State Candidates*.

## How to Use this Manual

California’s Political Reform Act (the “Act”) requires receipts and expenditures in election campaigns to be fully and truthfully disclosed. Since 1974, there have been over 200 amendments to the Act’s campaign disclosure provisions. This manual has been prepared to assist candidates and primarily

formed committees to comply with the Act’s numerous and often-detailed rules. It is written in a “user friendly” format so that candidates and committees, especially those with small budgets, have a resource guide. It is organized by subject matter and addresses the most common issues of campaign disclosure for local elections.

## Terminology

It may be helpful to review the definitions contained in Appendix 1 first to become familiar with the different terms used throughout the manual.

In addition, federal and state tax laws and other rules are applicable to California campaign committees. Telephone numbers and website addresses for the Federal Election Commission, Internal Revenue Service, California Franchise Tax Board, and the Federal Communications Commission are listed in Appendix 2.

## Controlling Law

This manual summarizes key campaign disclosure laws, regulations, and Commission opinions and draws from years of FPPC staff advice interpreting them to assist candidates and committees in complying with the Act. Each campaign is different, however, and may raise issues not discussed in this manual. If there are any discrepancies between the manual and the Act or its corresponding regulations and opinions, the Act and its regulations and opinions will control.

## Need Help?

If you need assistance, the Fair Political Practices Commission has a toll-free advice line:

1-866-ASK-FPPC  
(1-866-275-3772)

## Introduction

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FPPC employees are available Monday through Friday to help you. In addition, the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)) contains forms, manuals, and a wealth of other helpful information.

See Appendix 2 for more details.

Candidates and committee treasurers are encouraged to become familiar with all of the disclosure requirements and FPPC forms. However, many local candidates and committees raise and spend money only in connection with a particular election and then terminate their filing obligations. These candidates and committees are likely to file only a few of the FPPC's many campaign

forms. Charts identifying these forms are provided below.

The first chart lists the forms that are generally required of those candidates who raise and spend money only in connection with their own election. The first column lists the forms required of candidates who spend less than \$1,000 in a calendar year. The second column lists the forms required from candidates spending over \$1,000 in a calendar year. The second chart addresses the five forms filed by a primarily formed committee for a local candidate.

Be sure to review Chapter 7 for other reports that may be required.

### Local Candidates

Candidates Who Spend less than \$1,000	Candidates Who Spend \$1,000 or more
Candidate Intention (Form 501)	Candidate Intention (Form 501)
Officeholder/Candidate (Form 470) Campaign Statement-Short Form	Statement of Organization (Form 410)
	Recipient Committee Campaign (Form 460) Statement
	Late Contribution Report (Form 497)

### Primarily Formed Committees for Local Candidates

Statement of Organization (Form 410)  
Recipient Committee Campaign Statement (Form 460)  
Supplemental Independent Expenditure Report (Form 465)  
Late Independent Expenditure Report (Form 496)  
Late Contribution Report (Form 497)

# Chapter 1

## Finances/Recordkeeping

This chapter is extremely important to all candidates and committees (see the “Definitions” section); each must use a bank account for deposit of monetary contributions received, recordkeeping is the foundation for compliance with the reporting obligations of the Act, and every committee may be audited.

However, candidates who do not raise contributions from others and spend less than \$1,000 of their own personal funds do not need to open a campaign bank account.

In addition, the section on “Treasurer’s Duties,” which is crucial to committees, will be of little concern to candidates who spend less than \$1,000 in a calendar year, since they will not qualify as a committee nor have a treasurer.

### Campaign Bank Account Candidates and Controlled Committees

Candidates who anticipate soliciting or receiving contributions from others, or who anticipate spending \$1,000 or more of their personal funds in connection with their election, **must** open a campaign bank account.

A candidate’s personal funds used to pay the filing fee and/or the ballot statement fee do not count toward the \$1,000 threshold.

#### Establishing the Account

The campaign bank account may be established at a bank, a state or federal savings and loan association, or a state or federal credit union. The financial institution must be located in California.

Candidates running for one office while holding another must establish a separate campaign bank account for each office – but

not more than one bank account per office per election.



**Campaign contributions may not be commingled with any individual’s personal funds. All contributions must be deposited in, and expenditures must be made from, the campaign bank account. Except as noted below, candidates must first deposit personal funds to be used for the campaign in the account before making campaign expenditures, even if the candidate does not expect to be reimbursed.**

Exceptions:

- Candidates may use their personal funds to pay a filing fee or a ballot statement fee without first depositing the funds into the campaign account.
- An officeholder may use personal funds to pay officeholder expenses. (See Chapter 6 for reimbursement requirements.)
- A candidate may contract with a vendor or collecting agent to collect contributions prior to promptly transferring the funds to the candidate’s campaign bank account without violating the requirement that the candidate have no more than one bank account. Fees deducted by the vendor are considered expenditures from the campaign bank account at the time they are deducted.

#### Investments

Campaign funds may be transferred from a campaign bank account to certificates of deposit, interest-bearing savings accounts, money market funds, or similar accounts. The funds must come from a campaign bank account designated for a specific office and be deposited in investment accounts established only for that office. The funds

must be redeposited into the same campaign bank account before being used for campaign expenses.

### Credit Accounts

One or more credit accounts may be established for each campaign bank account. A single credit card, however, may not be designated for more than one campaign bank account. In addition, payment of charges on a credit account must be made only from the appropriate campaign bank account.

or

In lieu of establishing a new credit account, a candidate may designate an existing personal credit card with a zero balance as the campaign bank account credit card by listing the card number and date of designation in the campaign records. The candidate must ensure that no personal expenses are charged to this account until after the election and after all campaign charges have been paid with funds from the campaign bank account. Once all campaign expenses charged to the account have been paid, the candidate may resume using the card for personal purposes.

### Petty Cash

Candidates may use campaign funds to establish a petty cash fund at each campaign office. Keep in mind the following conditions relating to the petty cash fund:

- A petty cash fund may not hold more than \$100 at any time.
- No expenditure of \$100 or more may be made from the fund.
- The fund may be used only for expenses associated with the election to the specific office or for the expenses of holding the office for which the petty cash fund was established.
- Once the funds are spent, payments made from petty cash must be reported as expenditures.

### Redesignating the Account

A campaign bank account may be redesignated if the candidate runs again for the same local office. The account may be redesignated even if the account holds campaign funds or outstanding debts from the previous election. In order for a bank account to be redesignated, the Statement of Organization (Form 410) needs to be amended. Remember to file a new Candidate Intention (Form 501) as well.

 **Quick TIP** Defeated candidates must redesignate campaign funds for a future election by the end of the reporting period following the election, or the funds are considered surplus. (See Chapter 9.) For example, if the election is held during the first six months of the year, the end of the reporting period is June 30. If the election is held during the last six months of the year, the end of the reporting period is December 31.

When running again for the same local office, in addition to using the same campaign bank account, the candidate may continue to use the same committee and identification number. In order to do so, the candidate needs to file a Statement of Organization (Form 410) check the amendment box, and indicate any information that has changed since the last Form 410 was filed, including the “Year of Election” information in Section 4.

### Restrictions on Redesignating

A campaign bank account **may not** be redesignated if the candidate is seeking election to a different office.

 **Example** *Ed Smiley is a city council incumbent and has a committee and bank account for this office. He is seeking election to the county board of supervisors. Ed must establish a new bank account and a new committee for his supervisorial election.*

### Expenditures from Multiple Accounts

A candidate who has more than one campaign bank account must make all expenditures in connection with an election from the campaign bank account established for that election, including:

- Campaign strategic planning and fundraising expenses;
- Services and actual expenses of outside political consultants, the campaign treasurer, other staff, pollsters, and other persons who provide services directly in connection with the election;
- Voter registration and get-out-the-vote drives; and
- Payments for mailings, political advertising, yard signs, opinion polls or surveys, and other communications if the payments:
  - 1) Are for a communication that makes reference to the candidate's future election or status as a candidate; or
  - 2) Are made three months prior to an election for which the candidate has filed a Candidate Intention Statement (Form 501), a declaration of candidacy, or nomination papers with an election official, or any other documents necessary to be listed on the ballot for an elective office.

### Recall Elections

Under state law, an officeholder who is the subject of a recall may use an existing committee (set up for the office he or she currently holds) to receive contributions and make expenditures to oppose the qualification of the recall measure, and if the recall petition qualifies, the recall election. The officeholder instead may choose to set up a separate committee for this purpose. The committee may be established once the officeholder receives a notice of intent to recall under Elections Code Section 11201. The committee must set up a separate bank

account at a financial institution in California, file a Statement of Organization (Form 410), and include the word "recall" in the name of the committee. The committee also must file campaign statements as discussed in Chapters 5, 6, and 7. (Contact the local jurisdiction for information about local rules that may apply.)

### Primarily Formed Committees

A "primarily formed committee" is a committee that supports or opposes a single candidate or a group of candidates all being voted on in the same election but is not controlled by the candidate(s) supported. Although committees not controlled by a candidate are not required to maintain a separate bank account, doing so is a good idea. Pre-numbered and pre-printed checks with the committee's name are useful in meeting the recordkeeping requirements discussed in the next section. **Primarily formed committees may not commingle campaign contributions with any individual's personal funds.**

### Answering Your Questions

Q. *I do not intend to raise any funds from others and will not be spending any money other than my personal funds for the filing fee and ballot statement fee. Do I need to open a campaign bank account?*

A. No.

Q. *I do not intend to raise any funds from others; however, I will be spending my own money on my campaign, although I will not be spending \$1,000 or more. Do I need to open a bank account?*

A. No.

Q. *I will be raising money for my campaign, but I do not intend to raise or spend \$1,000 on my campaign during the calendar year. Do I need to open a bank account?*

- A. Yes. Since you are raising funds from others, even though you will not be raising or spending \$1,000 or more, you are required to open a campaign bank account in which to place funds raised including personal funds you will use for your election.
- Q. *I do not intend to raise any funds from others, although I will be spending \$1,000 or more of my personal funds on my campaign. Do I need to open a bank account?*
- A. Yes. Since you plan to spend \$1,000 or more for your campaign, you will need to open a bank account and must disclose bank account information on the Statement of Organization (Form 410).

### Recordkeeping

In any campaign, an accurate and organized record must be kept of all campaign receipts and expenditures. All individuals who handle receipts and make expenditures must be aware of and practice the recordkeeping procedures required by the Political Reform Act and FPPC regulations that are outlined in this manual. While others may be involved, the candidate and treasurer, as listed on the committee's Form 410, remain legally responsible for the accuracy of the records.

### Record Retention

Candidates and committees **must** keep all records, including original source documentation, for a period of four years from the date the campaign statement relating to the records was filed. Documents that identify the names of the contributors that are affiliated entities must be kept for five years. (See Chapter 2.)

**Example** *Sharon Goldstein, a city council member, filed her first campaign statement on January 31, 2007. The records associated with completing that statement,*

*such as receipts and information on contributors, must be retained until January 31, 2011.*

### Records of Receipts

Two types of records are required for receipts: a **daily record**, showing how much money was received on any given day; and a **contributor record**, with detailed information about each contributor of \$25 or more. The daily record requirement may be met simply with bank statements, copies of checks received, or other documentation that provides the required information listed below.

### Receipts Under \$25

A daily lump sum total must be kept for contributions under \$25 and miscellaneous receipts under \$25.

### Contributor Record

#### Contributions: \$25 to \$99.99

For each monetary or nonmonetary contribution or loan of \$25 or more, the date received, amount, type of contribution, and full name and address, including zip code, of the contributor must be documented. In addition, the total amount received from that contributor over the course of the current calendar year (the "cumulative amount") must be recorded.

### Date Received

A monetary contribution is received on the date that the candidate or committee, or an agent of the candidate or committee, obtains possession or control of the cash, check, or other form of contribution, not the date it is deposited in the bank account. Contributions received by electronic methods such as wire transfer, credit card or debit account transactions are also received on the date the candidate or committee obtains possession or control of the funds. The following list provides examples:

- A contributor makes a contribution over the telephone. The contribution is “received” by the committee on the date the contributor gives his or her debit/credit account information to the committee.
- A contributor makes a contribution via the Internet and the committee reviews the online transaction before the contribution is processed. The contribution is “received” by the committee on the date the committee receives the payment information.
- A contributor makes a contribution via the Internet and the contribution is made by direct deposit without review and before transaction reports are produced. The contribution is “received” by the committee when the committee has possession of the funds.
- A contributor agrees to make contributions via “installment” payments by authorizing the committee to periodically charge his or her credit card or withdraw funds from his or her account. The contribution is “received” when the committee, or an agent of the committee, obtains possession or control of the funds for each installment payment. The contribution reported is only the amount of each installment payment when received. Installment payments scheduled to take place in the future, but not yet received, are not reportable.

**Contributions: \$100 or More (Occupation and Employer Information)**

If contributions totaling \$100 or more are received from an individual, in addition to the above information, the contributor’s occupation and employer are recorded.

If the contributor is self-employed, that fact also must be noted along with the name of his or her business. Generally, if a check is drawn on the account of a business entity, the contributor is the business entity, not the person who signs the check.

**A contribution of \$100 or more must be returned if the contributor’s name, address, occupation, and employer are not in the committee’s records within 60 days from receipt of the contribution.** If the contribution cannot be returned to the contributor, it must be paid within 60 days of receipt to the general fund of the local jurisdiction in which the committee is based. In the case of a Superior Court judge or a judicial candidate, the contribution must be paid to the Secretary of State of receipt for deposit in the state’s general fund. If the contribution is returned to the contributor by check and the check is not cashed by the contributor within 90 days, the contribution must be paid to the local jurisdiction or the Secretary of State within the following 30 days.

Contributions may be deposited in the committee’s bank account pending receipt of the information, in which case they must be reported on the next campaign statement required to be filed (including late contribution reports). The Recipient Committee Campaign Statement (Form 460) must be amended within 70 days from its closing date to disclose the missing contributor information unless the contribution is returned to the donor. Late contribution reports need not be amended. The committee also must record the date the contributor information is received, if that date is different than the date the contribution is received.

**Example** *Stanley Hughes, a city clerk candidate, received a contribution of \$100 from Martha Andersen on June 1. The only information he had was her name and address as listed on her check. On his semi-annual statement covering the reporting period through June 30, he reported receiving \$100 from Martha, listed her name and address, and indicated that he would amend his statement when he received her occupation and employer information. By*

*July 31 of that same year, even after writing to Martha, Stanley still did not have Martha's occupation and employer. Stanley must return \$100 to Martha.*

### Intermediaries

For contributions of \$25 or more made through an intermediary (see Chapter 2), records of the above information for **both** the intermediary **and** the contributor is required.

### Nonmonetary Contributions

If the contribution is nonmonetary and worth \$25 or more, a description and the fair market value of the contribution must be recorded. (See "Valuing" in Chapter 2.)

### Loans

If the contribution is a loan of \$25 or more, the following information for the lender must be recorded:

- Interest rate of the loan, if any;
- Due date of the loan, if any; and
- Name and address of any guarantor and the amount guaranteed. The occupation and employer of any individual who guarantees a loan of \$100 or more must also be recorded.

If a candidate receives a loan from a commercial lending institution for his or her campaign, the institution and not the candidate is recorded as the source of the loan. The candidate does not have to be reported as the guarantor, even if the candidate is personally liable.

### Documentation

The committee must keep copies of all documents reflecting deposits made and all records reflecting campaign bank account balances, such as bank statements, check registers and passbooks.

The following documents produced or received by the committee also must be kept

for receipts of \$25 or more: contributor cards; copies of contributor checks; letters of transmittal; notices or writings received from contributors; memoranda or other records that describe the method used to determine the fair market value of donated goods or services (nonmonetary contributions); and loan agreements or other documents that reflect indebtedness. In addition, documentation for electronic transactions must include information collected when debiting the contributor's account, such as itemized transaction reports (including the credit card confirmation number), debit/credit account transaction records, and credit card receipts or vouchers. Documentation of contributions received over the Internet must include a record of the transaction created and transmitted by the cardholder including the cardholder's name and address and card number.

For contributions or other receipts of \$100 or more, copies of any letters or other communications sent by the committee to obtain the documents listed above must be kept.

### Expenditures

#### Expenditures: Under \$25

A daily lump sum total of all expenditures under \$25 must be kept.

#### Expenditures: \$25 or More

For expenditures of \$25 or more to a single payee, or a series of expenditures for a single product or service that total \$25 or more, the following must be recorded:

- Full name and street address, including zip code, of payee;
- Expenditure amount;
- Date the expenditure was made or for accrued expenses, the date the goods or services were received; and
- Description of the goods or services received.

### Contributions to Other Candidates or Committees and Independent Expenditures

For expenditures that are contributions to another officeholder, candidate, or committee, or independent expenditures (see Appendix 1 for definitions) to support or oppose a ballot measure, the amount of the expenditure and also the cumulative amount paid in that calendar year in connection with the officeholder, candidate, committee, or ballot measure must be recorded.

For all such expenditures of \$25 or more, the following information is required:

- Date the contribution or independent expenditure was made;
- Whether the expenditure is an independent expenditure;
- Name of the officeholder or candidate, and the office and district he or she holds or for which he or she seeks nomination or election, or number or letter of the measure and the jurisdiction in which the measure is to be voted on;
- Cumulative amount contributed to the candidate or committee; or
- Cumulative amount of independent expenditures to support or oppose the measure.

 **Candidates may not use campaign funds to make independent expenditures to support or oppose other state or local candidates.**

### Loans Made to Others

The following additional information must be kept for loans made by the committee: interest rate, if any; due date, if any; and full name and street address of anyone guaranteeing the loan or who is liable directly, indirectly, or contingently for the loan. (For restrictions on loans to others, see Chapter 10.)

### Documentation

All bank and credit card records for expenditures must be kept.

For any expenditure of \$25 or more made by the committee or by any agent on behalf of the committee, canceled checks, bills, invoices, or statements; receipts; credit card charge slips; vouchers; contracts; loan agreements; and other documents produced or received by the committee reflecting additional obligations also must be kept by the committee. Copies of canceled checks can be retained if the copies contain a legible image of the front and back of the canceled check and the copies are obtained from the financial institution.

If no receipt, voucher, or invoice is available, a voucher should be written as soon as possible with the date and amount of the payment, the name of the payee, and a description of the goods or services received. A voucher is not required for payments under \$25.

### Notices to Major Donors, Mass Mailings, and Telephone Calls

A copy or a record of all \$5,000 “major donor” notices (see Chapter 2) and a copy of any mass mailings (see Chapter 3) sent by the committee must be kept. For certain telephone calls made to 500 or more voters and paid for by the committee (see Chapter 3), a script of the call or a copy of the recorded phone message also must be kept.

### Audits

The Act authorizes audits of committees. Mandatory audits of candidates, their controlled committees, and primarily formed committees that support or oppose candidates are conducted by the Franchise Tax Board. Discretionary audits may be conducted by the FPPC.

Each odd-numbered year, a total of 20 local jurisdictions are randomly selected for audit, including eight counties, eight cities, two school and community college districts, and two special districts. All candidates in the jurisdiction are subject to audit, which are conducted in random order.

Candidates for Superior Court who raise or spend \$15,000 or more in an election are subject to audit by random selection of 25 percent of contested judicial offices.

### Treasurer Duties

Every committee must have a treasurer. There are no restrictions on who may be treasurer. The candidate controlling the committee may be the treasurer. **The committee may not accept contributions or make expenditures before a treasurer is appointed or while the treasurer's post is vacant, even if there is an assistant treasurer (see below).** If the committee treasurer is unavailable to carry out his or her duties for an extended time, a new treasurer should be designated and the committee's Statement of Organization (Form 410) amended.

Treasurers or assistant treasurers must sign and verify all reports and statements filed. The verification indicates under penalty of perjury that:

- The signer has used all reasonable diligence in preparing the statement; and
- To the best of his or her knowledge, the statement is both true and complete.

The signer is legally responsible for the accuracy and completeness of the document even if it is prepared by a third party, including a professional accountant. An unsigned statement is considered "not filed" and subject to late fines.

### Treasurer

**A treasurer is required to** establish a system of recordkeeping sufficient to ensure that receipts and expenditures are recorded promptly and accurately in compliance with the Act's recordkeeping and disclosure requirements. Following the recordkeeping guidelines in this manual ordinarily constitutes compliance with this requirement. In addition, the treasurer is required to:

- Maintain campaign records personally or monitor records kept by others.
- Take steps to ensure all of the Act's requirements are met regarding receipt, expenditure, and reporting of campaign funds.
- Prepare campaign statements personally or carefully review campaign and underlying records prepared by others.
- Correct any inaccuracies or omissions, and inquire about any information that would cause a reasonable person to question the accuracy of the campaign statements.
- Sign campaign statements under penalty of perjury. The treasurer is legally responsible for the accuracy and completeness of campaign statements, even if they are prepared by a third party, such as a professional accountant. The treasurer must establish that campaign statements are properly filed. Because the treasurer may be held personally liable for violations of the Act, **no person should assume the position of treasurer as a mere figurehead.**
- Check and, if necessary, correct any information contained on a campaign statement which a reasonable, prudent person would question. Among the circumstances which might give rise to an inquiry regarding a contribution are: the size of the contribution; the reported source; the likelihood of that source making a contribution of that size; the

circumstances surrounding receipt; and the manner in which the contribution is recorded in campaign records.

### Assistant Treasurer

An assistant treasurer may be designated on the Statement of Organization (Form 410) in the event that the treasurer is unavailable to sign a report when it is due. The assistant treasurer is required, like the treasurer, to use reasonable diligence in preparing and reviewing any campaign statements that he or she signs, and must certify to that effect under penalty of perjury. For statements signed by the assistant treasurer, both the treasurer and the assistant treasurer are liable for any violations pertaining to that report.

There are no restrictions on who may be an assistant treasurer, although he or she should know the reporting obligations, restrictions, and prohibitions provided under the law. For a controlled committee, the candidate may be designated as assistant treasurer. If this is the case, and the treasurer is unavailable to sign a campaign report when it is due, the candidate will sign both as candidate and assistant treasurer.

### Candidate Duties

#### A candidate is required to:

- Make sure that the treasurer is exercising all reasonable diligence in the performance of his or her duties. The candidate must establish that campaign statements are properly filed.
- Take whatever steps are necessary to replace the treasurer or raise the treasurer's performance to required standards if the candidate knows, or has reason to know, that the treasurer is not exercising all reasonable diligence in the performance of his or her duties.

- Review with care the campaign statements prepared for filing by the committee.
- Correct any inaccuracies and omissions in campaign statements of which the candidate is aware, and check and correct any information on campaign statements which a person of reasonable prudence would question based on all of the surrounding circumstances.
- Perform with due care any other tasks assumed in connection with the raising, spending, or recording of campaign funds insofar as such tasks relate to the accuracy of information entered on campaign statements.

### Answering Your Questions

- Q. *If, in the early days of the campaign, the candidate is not able to find someone to serve as the campaign treasurer, may the candidate serve in that capacity until another person is found?*
- A. Yes. In fact, a separate treasurer is never required; the candidate may serve as treasurer throughout the campaign.
- Q. *Are there any specific accounting qualifications for someone to be able to serve as treasurer, or any conditions which would disqualify someone from being able to serve as treasurer?*
- A. No.
- Q. *What should be done if the treasurer and assistant treasurer, or the candidate, are not able to sign before the deadline?*
- A. In order to ensure that the statement is filed on time, you may submit the filing if it is signed by one of the following: the candidate, treasurer, or assistant treasurer. If the candidate's signature is missing, submit an amendment to provide his or her signature as soon as possible. Likewise, if both the treasurer

## Chapter 1 — Finances/Recordkeeping

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and assistant treasurer are unavailable, submit an amendment to provide the required signature as soon as possible.

- Q. *Are committee records and source documentation required to be kept on paper, or may the committee use an electronic recordkeeping system?*
- A. Electronic records are permitted, provided that all of the required information is collected and recorded in a timely and uniform manner that ensures the accuracy and reliability of the information. Committees are responsible for ensuring that electronic records can be read and/or printed for auditing purposes during the applicable retention period.
- Q. *Are form letters thanking the committee for contributions it has made required to be retained for recordkeeping purposes?*
- A. Form letters containing no information necessary to complete or verify the committee's campaign statements are not required to be retained.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

- 82015 *Contribution.*
- 82018 *Cumulative Amount.*
- 82025 *Expenditure.*
- 82044 *Payment.*
- 82047.5 *Primarily Formed Committee.*
- 84100 *Treasurer.*
- 84104 *Recordkeeping.*
- 84300 *Cash and In-Kind Contributions; Cash Expenditures.*
- 84302 *Contributions by Intermediary or Agent.*
- 84307 *Commingling with Personal Funds.*
- 84310 *Identification Requirements for Telephone Calls.*

- 85201 *Campaign Bank Account.*
- 85501 *Prohibition on Independent Expenditures by Candidate Controlled Committees.*
- 85700 *Donor Information Requirements; Return of Contributions.*
- 89511.5 *Use of Personal Funds for Incumbent Elected Officers.*
- 90000 *Responsibility.*
- 90001 *Mandatory Audits and Investigations.*
- 90002 *Audits and Investigations; Time.*
- 90003 *Discretionary Audits.*
- 90006 *Audit and Investigation by Commission.*
- 90007 *Auditing Guidelines and Standards.*

### Title 2 Regulations

- 18401 *Required Recordkeeping for Chapter 4.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18421.2 *Street Address.*
- 18421.3 *Reporting of Contributions and Expenditures Collected by Contract Vendors or Collecting Agents.*
- 18426.1 *Assistant Treasurer.*
- 18427 *Duties of Treasurers and Candidates with Respect to Campaign Statements.*
- 18432.5 *Intermediary.*
- 18521 *Establishment of Separate Controlled Committee for Each Campaign Account.*
- 18524 *Investment and Expenditure of Candidates' Campaign Funds.*
- 18525 *Incumbent Candidates' Election Expenses and Officeholder Expenses.*
- 18531.5 *Recall Elections.*
- 18570 *Return of Contributions with Insufficient Donor Information.*
- 18991 *Audits of Campaign Reports and Statements of Local Candidates and Their Controlled Committees.*
- 18994 *Auditing and Investigations.*
- 18995 *Standards and Guidelines for Auditing Statements and Reports.*

# Chapter 2

## Contributions

This chapter begins with a definition of “contribution” and provides guidelines necessary to proper reporting, including a discussion on valuing nonmonetary contributions.

Contributions to local candidates and committees in many cities and counties are subject to local contribution limits and other restrictions. Check with your local elections or ethics agency.

### What is a Contribution?

A “contribution” is a monetary or nonmonetary payment received by a candidate or committee for which the candidate or committee has not provided full and adequate consideration in return. (See the definition of “contribution” in Appendix 1.) A contribution may take any of the following forms:

- Money (cash, check, credit card, wire transfers);
- Nonmonetary items (donated goods or services, discounts);
- Payments made by a third party for advertising or other communications (see Chapter 4);
- Loans (including loan guarantees, co-signing, and lines of credit);
- Money, nonmonetary items, and loans from the candidate to his or her own committee or from the candidate’s family; and
- Enforceable promises (for example, a contributor promises, in writing, to pay for specific goods or services and, based on that written promise, the committee expends funds or enters into a legally-enforceable contract to purchase the goods or services).

Each type of contribution is reported differently. In fact, **when** a contribution is received is determined in part by what type of contribution it is.

In general, a **monetary** contribution is received on the date that the candidate, committee, or an agent of the committee obtains possession or control of the cash, check, or other item that constitutes the contribution. (See Chapter 1 for detailed information about when a monetary contribution is received.)

**Examples** *John Burns, the campaign consultant for Friends of Joshua Truman, received a hand-delivered check at a May 14, Friday evening fundraiser for Friends. John did not give the check to the committee’s treasurer for deposit until the following Monday, May 17. The contribution was received on May 14, the day the committee’s agent obtained possession of the check.*

*Friends of Joshua Truman also contracts with a website service to receive contributions over the Internet. The website service sends the committee’s treasurer an email each time a contributor logs on to the website service and enters his or her donor information and credit card number. Logging onto the website service, the treasurer can accept the contribution and receive the funds. The committee reports receipt of the contribution on the date it receives the email because it controls the contribution on that date.*

A **nonmonetary** contribution is received on the **earliest** of the following:

- The date funds were expended by the contributor for the goods or services;

- The date the candidate, committee, or an agent of the committee obtained possession or control of the goods or services; or
- The date the candidate or committee received the benefit of the expenditure.

An **enforceable promise** is received on the date the candidate, committee, or an agent of the committee receives documents verifying that a contributor has made a legally enforceable promise to pay for goods or services. A pledge card is not considered an enforceable promise to make a contribution. “Enforceable promise” also does not include a contributor’s agreement to make future installment payments through credit card, wire transfer, debit account transaction, or similar electronic payment.

When an agent of the committee, such as a campaign consultant, receives a contribution for the committee, the treasurer must be notified by the agent no later than the closing date of the next campaign statement due.

### Exceptions

There are many exceptions to the definition of “contribution,” which are described in Appendix 1 under the definition of “contribution.” Exceptions for certain types of political communications are also discussed in detail in Chapter 3. Some of the most common exceptions include:

**Volunteer Personal Services:** If an individual donates his or her personal or professional services to a campaign, no contribution has been made or received. However, if an employer donates employee services to a campaign, and any employee spends more than 10% of his or her compensated time in a calendar month providing the services, the employer has made a nonmonetary contribution to the committee.

**Home/Office Fundraisers:** If someone holds a fundraiser or other campaign event in his or her home or office, the costs incurred by the occupant of the home or office need not be reported as long as the total cost of the event is \$500 or less. However, if someone else donates food, beverages, or anything else of value to the event, the fair market value of those donated goods is a nonmonetary contribution. In addition, the donated goods must be counted to determine if the total cost of the event is \$500 or less.

**Examples** *Jaleel Baker holds a fundraiser in his home for your committee. He spends \$250 on decorations, food, and drinks for the event. His neighbor, Sheila Mkemo, brings some door prizes with a fair market value of \$50. Since the total cost of the event is under \$500, Jaleel’s \$250 is not reportable. However, since Sheila is not the occupant of the home, her nonmonetary contribution of \$50 is reportable, although not itemized.*

*Shannon Priestly sponsors an event for your committee after work in her business’ downtown office. Shannon spends \$450 to have the event catered. Jason Cameron, who works in the building next door, supplies a flower centerpiece worth \$75. Since the total cost of the event exceeds \$500, both Shannon’s contribution of \$450 and Jason’s \$75 flower arrangement are reportable by your committee.*

**Member Communications:** Payments made by an organization (including a political party) for certain communications that are sent only to the organization’s members, employees, or shareholders, or their families, are not contributions to a candidate endorsed in the communications. (See Chapter 3.)

### Restrictions on Contributions

Contributions of \$100 or more must be made by written instrument and may not be made or received in cash. (For more details, see Chapter 9.) In addition, contributions of \$100 or more must be returned if the contributor's name, address, occupation, and employer are not obtained within 60 days of receipt of the contribution. (See Chapter 1.)

### Receiving Contributions

#### Aggregating Contributions

Contributions received from certain combinations of individuals and entities must be added together to determine the total amount that will be treated as received from a single contributor.

The following are aggregated:

- Contributions from the personal funds of an individual and contributions made by an entity when the same individual directs and controls the entity's contributions.
- Contributions from two or more entities if a majority of the same persons directs and controls the contributions of each entity.
- Contributions made by entities that are majority owned by any person with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.

**Quick TIP** The term "person" includes an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, and association.

The following are basic examples to provide general guidance regarding aggregation of contributions. Every case is unique and if these examples are not helpful, contact the FPPC for advice.

**Examples** Sally Perez contributed \$98 from her personal funds and another \$98 from the funds of her wholly-owned business, *Flowers by Sally Perez*, to the Anderson Committee. Because contributions from an individual and his or her business, or from any other account he or she directs and controls, are considered to be from a single contributor, the Anderson Committee must itemize both contributions and report a cumulative amount received from Sally and her business of \$196 on its committee campaign statement.

*EXtream Snowboards, Inc.*, made a contribution of \$99 to the Johnson Committee. *EXtream Snowboards, Inc.*, is a wholly-owned subsidiary of *LeisureTech Industries*, which also made a contribution of \$99 to the Johnson Committee. If there was coordination between *EXtream Snowboards* and *LeisureTech Industries*, their contributions are considered to be from a single contributor. The Johnson Committee must itemize both contributions and report a cumulative amount received of \$198 on its campaign statement.

*William Smith* is a developer with four separate corporations. William makes political contributions from his personal funds and directs and controls the contributions of each of his corporations. William made a contribution of \$90 from his personal funds and contributions of \$90 from the funds of each of his corporations to the Perez Committee. Because he directed and controlled all of these contributions, they are considered to have been made by a single contributor. The Perez Committee must itemize each contribution and show a cumulative amount received of \$450.

*Southwest TeleCom* has a greater than 50% ownership interest in *American TeleCom*. Each entity, entirely on its own and with separate decisionmaking bodies, makes a contribution of \$1,000 to Mayor Yadon. The mayor does not aggregate these

*contributions because Southwest TeleCom and American TeleCom acted independently in their decisions to make the contributions.*

Also see Chapter 6 for information on reporting aggregated contributions received from major donor committees.

### **Credit Card, Electronic, and Other Types of Contributions**

Contributions may be received by credit card, wire transfer, debit account transaction, or similar electronic payment options (including contributions received via the Internet or telephone). All of the reporting and recordkeeping requirements apply to these contributions. (See Chapter 1.) Some tips are:

- For contributions of \$25 or more, the committee treasurer should make sure that a copy of the credit card voucher or other documentation is sent to the committee as soon as practicable after the contributions are made.
- The entire amount charged to the contributor is reported as a contribution.
- Fees associated with this type of fundraising, or deducted by the vendor before the contributions are sent to the committee, are reported as expenditures; the fees are not deducted from the amount of each contribution reported.

### **Fundraisers**

The full amount (face value) of a fundraiser ticket is a reportable contribution.

**Example** *Your committee holds a fundraiser and charges \$100 per person. After the event, you determine that it cost your committee \$25 per person to pay the caterer, hall rental, entertainment, invitations, etc. Report on Schedule A of the Form 460 each contributor's name, address, occupation, and employer and the full \$100*

*per ticket contribution. Do not subtract \$25 from each ticket sold.*

**Auctions and Garage Sales:** When items are donated for auction or sale at a fundraiser, the donated item is a nonmonetary contribution. (See below for determining the value.) When someone buys an item, the payment is usually considered a "Miscellaneous Increase to Cash" and is reported as such. (See Chapter 6.) If any one person or entity pays \$100 or more, the payment is itemized.

However, when someone pays more for an item than it is worth, the amount that is equal to the fair market value is reported as a miscellaneous increase to cash and the amount over the fair market value as a monetary contribution. Each is itemized at \$100.

**Example** *Andy Foster owns an electronics store and donates a TV worth \$500 to your committee. At your committee's auction, Gloria Fernandes bids \$600 for the TV. Itemize \$500 as a nonmonetary contribution from Andy's store. Then, itemize \$500, that part of Gloria's payment which is the fair market value of the TV, as a miscellaneous increase to cash. Also itemize \$100, the amount over the fair market value, as a monetary contribution from Gloria.*

**Bar Receipts:** Funds received by selling drinks at a fundraiser at fair market value are reported as miscellaneous increases to cash, not contributions.

**Raffle Tickets:** Receipts from the sale of raffle tickets at a fundraiser are reported as contributions. Items donated for raffle prizes are reported as nonmonetary contributions. (Note that Penal Code section 319 imposes some restrictions on raffles.)

### Intermediary

An intermediary is a person or entity that makes a contribution on behalf of another person and has been or will be reimbursed for the contribution. For each contribution of \$100 or more from an intermediary, the name, address, and, if applicable, the occupation/employer information must be disclosed for both the true source of the contribution and the intermediary.

**Examples** *Berry Barr and Vienna Waltz each made a \$100 contribution from their personal funds to support Tina Baker for city council, with the understanding that they would be reimbursed by their employer, the Music Company. Berry and Vienna must tell the committee that they are acting as intermediaries on behalf of their employer, the Music Company. Tina's campaign statement must show the \$200 contribution from the Music Company, and also Berry Barr and Vienna Waltz as intermediaries of \$100 each.*

*The Playa del Sol Stockbrokers Emporium requested its employees to attend a fundraiser for Megan Waters, a candidate for mayor, with the intent of reimbursing the employees for their contributions. The employees informed Megan that their contributions would be reimbursed by the Emporium. When the committee's treasurer completed the committee's Form 460, he reported the total of the contributions coming from Playa del Sol Stockbrokers Emporium and reported those employees who contributed \$100 or more as intermediaries for the Emporium.*

*A corporation has asked its employees to make personal contributions to Friends of Joshua Monet, a candidate's committee, with the intent of reimbursing its employees for the contributions they make. Neither the employees nor the corporation inform the committee that the employees will be*

*reimbursed. The corporation and the employees have violated the Act.*

Candidates and committees are required to check and, if necessary, correct any information regarding the true source of a contribution that a person of reasonable prudence would question based on all of the surrounding circumstances. If there is reason to question the source of a contribution, i.e., if there is reason to believe the information contained on the contribution check does not contain the name of the person who is actually making the contribution, the donor should be asked if he or she is acting as an intermediary for the true source of the contribution.

### Joint Checking Accounts and Business Accounts

Individuals (including spouses) may make separate contributions from a joint checking account. For reporting purposes, the full amount of the contribution is reported as coming from the individual who signs the check. If two or more individuals sign the check, the contribution is divided equally between or among the signers, unless there is an accompanying document signed by each individual whose name is printed on the check which clearly indicates a different apportionment.

**Example** *Linda and Jerry Nelson have a joint checking account. From this account, Linda signed a \$100 check payable to Friends of Joshua Truman. The committee identifies Linda Nelson as the contributor of the full \$100.*

A check drawn on a joint checking account that is signed by an individual not listed on the check (e.g., an accountant) must be accompanied by a document signed by at least one of the individuals listed on the check stating to whom the check is to be attributed.

Generally, if a check is drawn on the account of a business entity, the contributor is the business entity, not the person who signs the check.

### Minor Children

A contribution made by a child under the age of 18 is presumed to be a contribution from his or her parent or guardian, unless the facts show otherwise, e.g., that the child actually chose to make the contribution.

### Transfers and Carryover from a Prior Campaign

Candidates who have more than one campaign bank account and controlled committee may transfer funds from one account/committee to another. However, candidates who are defeated in an election or leave office must transfer campaign funds to an account for a future election prior to the end of the semi-annual period following the election in which the candidate was defeated, or prior to leaving office, whichever is later. If the funds are not transferred by this time, they are considered “surplus funds” and may not be used for a future election. (See Chapter 9.)

The committee receiving the transferred funds reports them on Schedule I of Form 460. The committee making the transfer reports it on Schedule E.

**Example** *Barbara Taylor ran for office and was defeated in a June election. She intends to run for a different office in the future. She must transfer any remaining funds to a new election account prior to July 1; otherwise, the funds become “surplus” and may not be used for a future election. She does this by reporting on Form 460, Schedule E for her old committee that a transfer was made to her new account; and on Form 460, Schedule I for her new committee, that transferred funds came into the account.*

**Quick TIP** There are restrictions on transfers of funds to run for state office. See FPPC’s Information Manual for State Candidates (Manual 1) for further information.

### Contributions from Other Candidates

Candidates and committees may receive contributions, within contribution limits if applicable, from other candidates or officeholders.

### Undesignated Contributions

Candidates who are soliciting contributions for more than one office and receive a contribution that has not been designated for a specific office may deposit the contribution in any of their campaign bank accounts.

Undesignated monetary contributions should be deposited in a campaign bank account within 30 days of receipt. Nonmonetary contributions should be allocated to a particular committee within 30 days of receipt or by the deadline for the reporting period in which the nonmonetary contribution is received, whichever is earlier.

### \$5,000 Notification to Potential “Major Donors”

Candidates and committees that receive one or more contributions totaling \$5,000 or more in a calendar year from an individual or entity that made the contribution(s) from personal, business, or corporate funds must send the contributor written notice that they may need to file a campaign statement if their contributions to state and local candidates and committees total \$10,000 or more in a calendar year. The notice may be tailored as long as it contains language substantially similar to the language below:

If your contribution(s) to this committee and to other California state or local committees total(s) \$10,000 or more in a calendar year, California law requires you to file a Major Donor Committee

Campaign Statement (Form 461). The deadline and location for filing this statement will depend upon the timing and type of contribution(s) you have made. In addition, once you become a major donor, you are required to file a late contribution report within 24 hours if you make contributions totaling \$1,000 or more to a single candidate, his or her controlled committee, or to a committee primarily formed to support or oppose a candidate or ballot measure during the 16 days before the election in which the candidate or ballot measure is being voted upon or make contributions totaling \$1,000 or more to a state or county political party committee during the 16 days prior to a state election.

Failure to file campaign statements may result in late filing penalties (\$10/day) and fines (up to \$5,000/violation). For more information, contact the Fair Political Practices Commission toll free at (866) 275-3772 or refer to their website: [www.fppc.ca.gov](http://www.fppc.ca.gov).

Additionally, if you make contributions of \$50,000 or more in a calendar year in California and some or all of those contributions are to state candidates, committees, or ballot measures, you are required to file your Form 461 electronically with the Secretary of State. For more information on the electronic filing requirements, contact the Secretary of State's office at (916) 653-6224.

The notice is not required if the source of the contribution is an existing committee, because it already is required to file campaign statements.

The notice must be sent, faxed, or emailed to the contributor within two weeks of receipt of the \$5,000 contribution(s). No further notices are required for subsequent contributions received from the same contributor within the same calendar year.

A copy of each notice or a record of all notices showing the date sent, faxed, or emailed, and the name and address of the person receiving the notice must be retained.

### Valuing Nonmonetary Contributions

This section provides assistance in determining how to value nonmonetary contributions so that they may be reported accurately. The varieties of nonmonetary contributions are vast, so not all possibilities are presented. Contact the FPPC for assistance.

#### Fair Market Value

When a nonmonetary contribution is received, the fair market value of the goods or service must be reported.

**Example** *The owner of an audio-visual store donates a television set worth \$500 to your committee for sale at an auction. Although the set costs the store owner less than \$500, the **fair market value of the television (the amount it would cost any member of the public to purchase the set from the store)** is \$500. Therefore, the nonmonetary contribution from the store owner is \$500.*

If a business donates the use of an employee to work on a campaign, the amount the individual is paid for working on the campaign is reportable only if the employee spends more than 10% of his or her compensated time in a calendar month working on the campaign.

**Example** *An accounting firm provides your committee with the services of an accountant during the last month of the campaign. The accountant spends 25% of her time working for the campaign, for which her gross compensation from the accounting firm is \$2,500. The amount of the contribution from the accounting firm is \$2,500.*

## Chapter 2 — Contributions

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If a committee receives discounts on goods or services it purchases and the discounts are not offered to the public in the regular course of business, the discount is a nonmonetary contribution which must be reported.

**Example** *Your committee treasurer knows the owner of Janns' Printing Shop and gets the owner to give your committee a 50% discount on the printing of a brochure that normally would cost \$1,200. Your committee has received a nonmonetary contribution of \$600 from Janns' Printing Shop.*

Volunteer personal services are not considered to be a nonmonetary contribution.

If the committee does not know the fair market value of a nonmonetary contribution, such as an original piece of artwork, the committee may send a letter requesting that the contributor provide the value of the contribution in writing. The contributor is legally obligated to provide an amount if the value of the contribution is \$100 or more.

### Mailings

Generally, the fair market value of a mailing is reported as a contribution when the mailing expressly advocates support of or opposition to a candidate **and** was made at the behest of the affected candidate or primarily formed committee.

**Example** *The Treetop Paper Company produces and sends a mailing to support your committee. Although the company receives paper at a discounted rate, report the receipt of a nonmonetary contribution in the amount it would have cost you had you paid fair market value for the mailing.*

**Multiple Candidates and Measures:** If a mailer expresses support of or opposition to more than one candidate or ballot measure,

the fair market value attributable to each may be calculated by prorating the costs among the featured candidates and ballot measures. The prorated value is based on the amount of space allotted to each candidate or measure supported or opposed in the mailer.

**Example** *The Weston Chamber of Commerce produces and mails a one-page flyer urging voters to vote for supervisor candidate Stan Smith and against two ballot measures. Half of the flyer is devoted to supporting Smith and the other half equally opposes the measures. The Chamber coordinates the mailing with candidate Smith, but does not coordinate with any committee set up to oppose the two measures. The total cost of producing and mailing the flyer is \$3,000. Smith has received a nonmonetary contribution valued at \$1,500, and the Chamber has made an independent expenditure of \$750 apiece opposing the two ballot measures.*

The value of a mailer that supports or opposes candidates and measures being voted on in different jurisdictions may be prorated based on the number of mailers sent to each candidate or ballot measure's jurisdiction.

**Political and Non-Political Material:** The cost of a mailing containing both express advocacy in support of or opposition to a candidate and other nonpolitical material can be prorated. Costs directly associated with the political message are reportable by the candidate, including, for example, compensation paid to employees who spend more than 10% of their compensated time in a calendar month producing or mailing the political materials, and the pro rata cost of paper, envelopes, and postage. The allocation may be based on the additional weight of the political material or the comparative number of pages as between the political and non-political material.

**Member Communications:** Payments made by an organization or its sponsored committee for a communication that supports or opposes a candidate are not contributions or expenditures as long as the communication is made only to the organization’s members, employees, or shareholders, or the families of its members, employees, or shareholders. The communication may not be for general public advertising, such as billboards, newspaper ads, or radio or television ads. (See Chapter 3.)

**Bulk Rate Permits:** Use of an organization’s bulk rate permit is a nonmonetary contribution from the organization. If the committee pays the actual postage costs incurred under the bulk rate permit, the fair market value of the contribution is either:

- The price the organization paid for the bulk mailing permit; or
- The difference in postage costs between the bulk mailing rate and that of regular mail.

If the organization pays for the costs of the mailing using its bulk rate permit and the committee does not have such a permit, the value of the contribution is (1) the amount it would have cost to pay for the mailing using regular mail; or (2) the cost of the bulk rate mailing plus the cost of a permit.

**Phone Banks**

Businesses and other entities will sometimes allow a campaign committee to use their phones to call prospective voters during non-business hours. The fair market value of the use of the phones is calculated to determine the amount reported as a nonmonetary contribution, even if only local calls are made. One method to determine the fair market value is to contact organizations that provide phone banks as a business.

**Polls & Surveys**

A person or entity that provides data from a public opinion poll or survey to a candidate or committee is making a nonmonetary contribution if the candidate or committee requests the data or the data are used for political purposes. FPPC staff have advised that a formula utilized by the Federal Election Commission may be used for valuing polling or survey data, as long as the formula is used in a reasonable manner to provide a fair estimate. The formula calculates the value based on the age of the data. The chart below illustrates the fair market value of data based on the number of days that pass from the date the entity originally received the data to the date the data were provided to the candidate or committee.

Age of Data	Value
0 -15 days	Full Value
16 - 60 days	50%
61 - 180 days	5%
More than 180 days	No Value

When only a portion of a survey is provided to or for the benefit of a candidate, the nonmonetary contribution is the prorated portion of the total value of the survey.

**Example** *The Chewing Gum Association PAC commissioned a public opinion poll to determine voters’ attitudes about candidates running for governor, candidates in a senate district, and a city ballot measure. The PAC provided the poll results to the candidate they supported for governor, those in certain senate districts, and to the committee supporting the city ballot measure. Since only a portion of the data pertained to the senate and city ballot measure elections, these candidates and the ballot measure committee reported a prorated amount when disclosing the nonmonetary contributions received.*

### Answering Your Questions

- Q. *We are holding a \$100-a-plate fundraiser for our committee. The actual cost of the event to our committee will be \$25 per person. When someone gives us \$100 to attend the dinner, do we report \$100 as a contribution, or do we subtract the \$25 cost and report receiving a \$75 contribution?*
- A. The cost of the ticket for the fundraiser is the amount of the contribution. Report \$100 as the contribution.
- Q. *When we send out a fundraising letter, are we required to put our committee identification number on the invitation?*
- A. There is no requirement to put the identification number anywhere on the mailer. However, many campaigns do so because if other committees, or others with their own reporting obligations, contribute to your committee, they will need your identification number to complete their campaign reports.
- Q. *We would like to hold a raffle at our next fundraiser. Are there any restrictions on raffles?*
- A. The Political Reform Act does not restrict raffles. However, Penal Code 319 does prohibit some raffles. This code is interpreted and enforced by each county's district attorney. Contact the local district attorney where the raffle will be held for further information. Of course, be sure all of the reporting and recordkeeping requirements are met.
- Q. *If Jan, my next door neighbor, spends \$1,000 on an event to help raise funds for two different candidates and the event is held in her home, has she made a contribution to each committee?*
- A. Yes. The total cost of a home fundraiser must be \$500 or less, or the event will qualify as a nonmonetary contribution.

This is true no matter how many committees benefit from the event.

- Q. *May a non-profit organization hold a joint fundraiser with a political committee?*
- A. Yes. However, any costs incurred by the non-profit organization which are not reimbursed by the political committee would be considered to be a nonmonetary contribution from the non-profit to the political committee. The non-profit organization should contact the IRS for any possible restrictions based upon the organization's tax status.
- Q. *Three candidates wish to conduct individual polls. A polling firm has offered a reduced rate because all three polls can be combined using one very large sample. Are the candidates receiving contributions from the polling firm because of the discounted fee, and are the candidates making contributions to each other?*
- A. To the extent each candidate pays only his or her share of the cost of the poll, the candidates are not making contributions to each other. Additionally, if the polling firm provides the discount as part of its standard business policy of providing discounts in similar situations and does not provide the discount for political purposes, the candidates will not receive a contribution from the polling firm.

### Returning Contributions

There are several provisions in the Act and FPPC regulations that regulate the return of contributions.

**General Rule:** Contributions may be returned to individual contributors as long as the return is reasonably related to a political, legislative, or governmental purpose. "Surplus funds" may be returned to contributors. (See Chapter 9 for information on disposition of surplus funds.)

**Reporting:** A contribution is not required to be reported if it is not deposited, cashed, or negotiated and it is returned to the contributor before the closing date of the campaign statement on which it would otherwise be reported. A “late contribution” (a contribution of \$1,000 or more received during the last 16 days before an election) is not required to be reported if it is not deposited, cashed, or negotiated and it is returned within 24 hours of receipt. Once a contribution is deposited, cashed, or negotiated, it must be disclosed on the next campaign statement, even if it is subsequently returned. (See Chapter 6 for detailed information on reporting returned contributions.)

**Missing Contributor Information:** A contribution of \$100 or more must be returned within 60 days of receipt if the candidate or committee has not obtained the contributor’s name, address, and in the case of a contributor who is an individual, his or her occupation and employer. (See Chapter 1.)

**Authority**

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

**Government Code Sections**

- 82015 *Contribution.*
- 82025.5 *Fair Market Value.*
- 82036 *Late Contribution.*
- 82047 *Person.*
- 84105 *Notification of Contributors.*
- 84211 *Contents of Campaign Statement.*
- 84300 *Cash and In-Kind Contributions; Cash Expenditures.*
- 84302 *Contributions by Intermediary or Agent.*
- 84306 *Contributions Received by Agents of Candidates and Committees.*
- 85308 *Family Contributions.*
- 85311 *Affiliated Entities; Aggregation of Contributions.*

- 85312 *Communications to Members of an Organization.*
- 85700 *Donor Information Requirements; Return of Contributions.*

**Title 2 Regulations**

- 18215 *Contribution.*
- 18216 *Enforceable Promise to Make a Payment.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18421.3 *Reporting of Contributions and Expenditures Collected by Contract Vendors or Collecting Agents.*
- 18423 *Payments for Personal Services as Contributions and Expenditures.*
- 18427.1 *Notification to Contributors of \$5,000 or More.*
- 18428 *Reporting of Contributions and Independent Expenditures Required to be Aggregated.*
- 18430 *Committee Controlled by More Than One Candidate.*
- 18432.5 *Intermediary.*
- 18523 *Nondesignated Contributions or Loans.*
- 18531.7 *Payments for Communications – Section 85312.*
- 18533 *Contributions from Joint Checking Accounts.*

# Chapter 3

## Communications

One of the most important aspects of any campaign is communicating with the voters. The Political Reform Act **does not** regulate the **truth or accuracy** of political communications, but does require reporting of most payments in connection with flyers, mailers, billboards, radio and television advertising.

### Contributions and Independent Expenditures

Generally speaking, when someone, other than the candidate or his or her committee pays for a communication supporting the candidate, the candidate has received a nonmonetary contribution unless the payment was not made “at the behest of” the candidate. Payments for communications supporting a candidate by the use of express advocacy, that are not made at the behest of the candidate are called “independent expenditures,” and the candidate is not required to report them, although the person making the independent expenditure may have reporting obligations. In addition, certain other types of communications may not be reportable at all, or may be subject to special reporting requirements. (See Chapter 7 and the definition of “contribution” in Appendix 1.)

Whether a communication is a contribution, an independent expenditure, or some other type of reportable payment depends on several factors, including whether the communication “expressly advocates” the election or defeat of a clearly identified candidate or ballot measure. The information and examples provided below may be of assistance in making that determination. However, it is impossible to address all of the types of communications in a campaign. If presented with specific facts, FPPC staff can provide assistance.

When reviewing this section, it is important to remember the following:

- A candidate may not make independent expenditures from campaign funds to support or oppose another candidate.
- Communications paid for by a candidate’s controlled committee that support the controlling candidate, or oppose his or her opponent, are not considered contributions or independent expenditures.
- In most cases, communications paid for by a noncontrolled primarily formed committee that support or oppose a candidate are considered contributions or independent expenditures.

### Express Advocacy

A communication expressly advocates support or opposition of a clearly identified candidate when it uses words such as “vote for,” “elect,” “support,” “cast your ballot,” “vote against,” “defeat,” “reject,” “sign petitions for,” or the communication, taken as a whole, unambiguously urges a particular result in an election.

### Clearly Identifies

A communication *clearly identifies* a candidate or measure when the candidate’s name, photograph, or status as a candidate or officeholder is used, or the measure’s name, popular title, or official title is used. Some flyers may mention a group of candidates by some well-defined characteristic of the group. Even if no specific names are used, these, too, may be communications which *clearly identify* candidates.

**Example** *An individual paid \$4,000 for a newspaper ad stating “Vote for Joe Winner.” The communication expressly*

*advocates support for a clearly identified candidate and must be reported either as a contribution if it was made at the candidate's behest or an independent expenditure if it was not made at the candidate's behest.*

*Later, the same individual paid \$2,000 for post card-sized flyers that simply stated, "Vote on Election Day." This communication is not reported as a contribution or independent expenditure because it did not expressly advocate support of or opposition to a candidate or measure.*

A communication that expressly advocates support of or opposition to a clearly identified candidate or ballot measure is a contribution, if made at the behest of the candidate or committee, or independent expenditure, if not made at the behest of the candidate or committee.

### **Made at the Behest**

A payment is "*made at the behest*" of a candidate or committee if the payment is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of the candidate or committee or an agent of the candidate or committee, and the arrangement occurs prior to the making of the communication.

Expenditures made at the behest of a candidate or committee include expenditures made by a person other than the candidate or committee, to pay for a communication relating to one or more clearly identified candidates or ballot measures if it is created, produced, or disseminated:

- After the candidate or committee has made or participated in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication, or

- After discussion and agreement between the candidate or committee and the creator, producer or distributor of a communication, or the person paying for that communication, regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication.

An expenditure is presumed to be made at the behest of a committee if it is:

- Based on information about the candidate's or committee's campaign needs or plans provided to the expending person by the candidate or committee; or
- Made by or through any agent of the candidate or committee in the course of the agent's involvement in the current campaign; or
- For a communication relating to a clearly identified candidate or ballot measure when:
  - The person making the expenditure retains the services of a person who provides either the candidate or the committee supporting or opposing the ballot measure with professional services related to campaign or fundraising strategy for the same election, or
  - The communication replicates, reproduces, republishes, or disseminates, in whole or in substantial part, a communication designed, produced, paid for, or distributed by the candidate or committee.

An expenditure is **not made at the behest** of a candidate or committee just because:

- A person interviews the candidate or candidate's agent on issues affecting the person making the expenditure, or
- The person making the expenditure obtains a photograph, biography, position paper, or press release, or similar material

is provided by the candidate or his or her agent, or

- The person making the expenditure has made a contribution to the candidate or committee, or
- A person makes an expenditure in response to a general, nonspecific request for support by a candidate or committee, provided that there is no discussion with the candidate or committee prior to the expenditure relating to details of the expenditure, or
- The person making the expenditure has invited the candidate or committee to make a public appearance before the person's members, employees, shareholders, or their families provided that there is no discussion with the candidate or committee prior to the expenditure relating to details of the expenditure, or
- A person informs a candidate or committee that the person has made an expenditure, provided that there is no exchange of information, not otherwise available to the public, relating to details of the expenditure, or
- The expenditure is made at the request or suggestion of the candidate or committee for the benefit of another candidate or committee.

**Example** *Citizens for Winner, a non-controlled committee primarily formed to support Joe Winner's candidacy, printed campaign literature stating, "Vote for Joe Winner." The communication included a copy of a photograph the committee obtained from the public information counter at Joe's campaign headquarters. Joe did not in any other way coordinate with the committee in producing the campaign literature. The committee made an independent expenditure, not a contribution to Joe's campaign.*

*On the other hand, if the committee contacted Joe Winner and arranged for a professional photographer to meet with him for the purpose of taking photographs for the mailer, the committee would be making a nonmonetary contribution to Joe's campaign.*

### Determinations Based on Facts

As the previous examples illustrate, whether a communication is deemed to be express advocacy and whether the communication is made at the behest of the affected candidate or measure committee, are factual determinations based on the text of the communication and the circumstances associated with it. Although determinations must be made on the facts of each particular situation, the following examples address common situations that may arise in a campaign.

### Reporting

There are distinctly different reporting requirements for contributions and independent expenditures.

When a person or group of persons makes expenditures for a communication at the behest of a candidate or committee, the candidate or committee **must report** the receipt of a nonmonetary contribution. The person making the expenditure may also have to file reports.

Candidates and committees who are the beneficiaries of independent expenditures **do not report** them. However, the person making the expenditure may have filing obligations.

**Example** *During Joe Winner's campaign, two newspaper advertisements supporting Joe were published without his knowledge or consent. Since the payments for these communications were not made at his behest, they were independent expenditures by the person(s) funding the*

*ads and were not reportable by Joe's campaign. The person(s) who paid for the ads may have a filing obligation.*

## Endorsements

An endorsement of a candidate or measure **may** become a contribution or an independent expenditure when a payment is made in connection with the endorsement.

**Example** *The president of a police officers' association announces at its annual meeting that the association endorses John Law for county sheriff. Merely making an oral endorsement is not a contribution or independent expenditure to John Law.*

*Closer to the election, at the request of candidate John Law, the association mails a special flyer to the voters announcing its endorsement of him. Since the mailing was made at the behest of the candidate, the association has now made a nonmonetary contribution to John Law.*

Frequently, a candidate will publish his or her endorsement by another official. As long as the communication does not advocate the election of the endorsing official (or the defeat of that official's opponent), a payment made to communicate the endorsement is not a contribution to the endorsing candidate or official, even though the endorsement was made at the behest of both individuals.

**Example** *A city council candidate paid for a mailing which quoted the mayor's verbal endorsement of his candidacy. Although the mayor was also on the ballot, the flyer was not a contribution to the mayor.*

If a candidate pays for a communication supporting his or her own candidacy that also supports or opposes a ballot measure, the payment is not a contribution to or

independent expenditure made in connection with the ballot measure.

There are times when a candidate pays for a communication that supports another candidate, but the payment is not made at the behest of the endorsed candidate. If the candidate paying for the communication also is included in the communication, and the non-paying candidate is listed on the same ballot as the paying candidate, and the communication is targeted only to the potential voters in the paying candidate's district, no independent expenditure is made.

**Example** *Lynda Isherwood, a city council member running for reelection, sent out a flyer to registered voters in her district asking them to support her candidacy. The flyer also encouraged the voters to vote for Gary Swanson for Governor, although this endorsement was not made at Gary's behest. Because the gubernatorial election and city council election would appear on the same ballot for those living in Lynda's district, and the flyer was sent only to voters in Lynda's district, the payment for the flyer is not an independent expenditure.*

## Non-Contributions

**Debates:** A payment for a debate or similar forum in which to least two candidates running for the same office are invited is not a contribution to the candidates, if the debate is sponsored by a nonpartisan organization.

**Example** *The League of Women Voters invited all candidates for city council to speak at a forum. Only one candidate attended. Because at least two candidates running for the same office were invited, the cost of the meeting is not a contribution to the candidate who attended.*

Similarly, a payment for a debate or forum sponsored by a political party or a committee affiliated with a political party is not a

contribution if a majority of the candidates for the party's nomination are invited to participate.

**Meetings:** A payment made by a bona fide service, social, business, trade, union, or professional organization for reasonable overhead expenses associated with a regularly-scheduled meeting at which a candidate speaks is not a contribution if the organization pays no additional costs in connection with the speaker's attendance.

**Example** *At a union's regularly-scheduled monthly meeting, one candidate was invited to solicit votes. The union did not incur any additional costs in connection with the speaker's presentation, so no contribution was made.*

**Member Communications:** Payments made by an organization or its sponsored committee for a communication that supports or opposes a candidate are not contributions or expenditures as long as the communication is made only to the organization's members, employees, or shareholders, or the families of its members, employees, or shareholders. The payments may not be for general public advertising, such as billboards, newspaper ads, or radio or television ads. If made by the organization's sponsored committee, the committee would report the payments as general member communications.

**Example** *Your campaign consultant asks a labor organization to send a mailing supporting your election. The mailing will be sent only to the organization's membership. The mailing is not a contribution to you. Later, the campaign consultant asks the organization to send the mailing to all registered voters in your district. The mailing to the voters is a contribution to you.*

Payments made by a political party for a communication that supports a candidate are not contributions to the candidate as long as the communication is distributed only to the party's members, employees, and families of its members and employees. However, the party must report the payments as if they were contributions or independent expenditures.

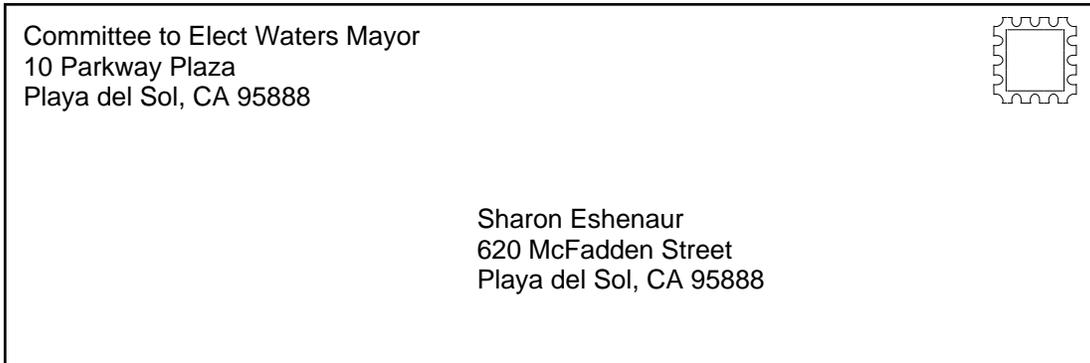
**Example** *The Green Party pays for a mailing supporting your candidacy to all of its members five days before your election. The cost of the mailing exceeds \$1,000. The Party must file a late contribution report. You are not required to disclose the mailing as a contribution.*

**News Stories:** A payment for the cost of publishing or broadcasting a news story, commentary, or editorial is not a contribution when the payment is made by a federally regulated broadcast outlet or a regularly published newspaper, magazine or other periodical of general circulation that routinely carries news, articles, and commentary of general interest.

**Non-Political Communications:** A payment made at the behest of a candidate, which is for a communication by the candidate or any other person, is not a contribution to the candidate if the communication:

- Does not contain express advocacy; and
- Does not make reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for office; and
- Does not solicit contributions to the candidate or to third persons for use in support of the candidate or in opposition to the candidate's opponent.

### Sender Identification



**Voter Registration:** A payment made at the behest of a candidate as part of voter registration or get-out-the-vote activities is not a contribution if the communication does not expressly advocate the candidate's election.

**Example** *At the behest of an elected official, an organization paid for a voter registration booth at a local fair. No other literature was distributed at the booth. The payment for the voter registration booth was not a contribution to the official.*

**Voting Records:** An entity may publish the voting records of public officials. As long as only the voting records are published, the communication is not considered a contribution or an independent expenditure.

## Identification Requirements for Mailings

### Contribution Solicitations

When a candidate or controlled committee sends a written solicitation for contributions, the solicitation must identify the name of the controlled committee.

### Mass Mailings

A "mass mailing" is more than 200 similar pieces of mail sent in a single calendar

month. The Political Reform Act contains sender identification requirements for mass mailings that are "mailed" (e.g., USPS, FedEx) to a person's home, business, or post office box.

Solicitation letters, notices of fundraising events, newsletters sent by the candidate or committee, and other types of campaign literature are common types of mass mailings.

The Political Reform Act does not regulate the **truth or accuracy** of mail or other campaign-related advertisements or materials.

## Sender Identification Requirements

### Sent by One Candidate or Committee

The name of the candidate, his or her street address, city, state, and zip code must be placed on the outside of each piece of mail in no less than 6-point type and in a color or print which contrasts with the background so that it is easily read. If a single candidate's controlled committee is sending the mailer, the name of the committee may be placed on the outside of the mailer if the committee's name contains the name of the candidate. A post office box may be used as the address only if the committee's street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

### Sent by Two or More Candidates or Committees

The name and address of the candidate (or committee, if its name includes the candidate's name) who is paying the greatest share of the mass mailing, including costs for designing, postage, and printing, must be placed on the outside of each piece of mail as described above.

If two or more candidates pay equally for the mailer, the name and address of at least one of the candidates (or committees, as noted above) must be shown on the outside as described above, and the names and addresses of all candidates (or committees) must appear on at least one insert.

### Primarily Formed Committee

If a primarily formed committee sends a mass mailing, the name and address of the committee must appear on the outside of each piece of mail in no less than 6-point type and in a color or print which contrasts with the background. A post office box may be used in lieu of the street address only if the committee's street address is reported on the Statement of Organization (Form 410) on file with the Secretary of State.

### Required Recordkeeping

For each mass mailing, the following must be retained for a period of four years:

- A sample of the mailing;
- A record of the date;
- The number of pieces sent; and
- The method of postage used.

### Answering Your Questions

Q. *Must the committee's identification number appear on a mailing?*

A. No.

Q. *If a business entity includes a copy of a candidate's flyer in its regular monthly*

*mailing, is the candidate required to be identified on the outside of the mailer?*

A. No. The candidate's name and address must be identified on the flyer only.

Q. *A committee has more than one address. Which address must be used on mass mailings?*

A. Any address that also appears on the committee's Statement of Organization (Form 410) on file with the Secretary of State may be used.

Q. *A committee pays for a candidate's mailing as a nonmonetary contribution. Which committee must be identified on the outside, the committee paying for the mailing or the candidate's committee?*

A. Only the committee that pays for the mailing is required to be identified on the outside of the mailing.

Q. *A labor union pays for a mailing advocating the election of a candidate for county supervisor. The mailing list includes both union members and non-union members and 20% of the mailing costs are attributed to non-union members. Must the candidate report the full cost of the mailing as a non-monetary contribution?*

A. No. The candidate may pro-rate the cost and report as a nonmonetary contribution the mailing costs for the non-union members.

Q. *If a committee is sending a post card-type mailing, may the name of the committee appear only once?*

A. Yes.

Q. *Where on the outside of the mailing must the candidate or committee identification be placed?*

A. There is no specific requirement for location of the identification, as long as it appears somewhere on the outside of the mailing.

## Identification Requirements for Advertisements

In addition to the rules for mass mailings, the Political Reform Act requires identification and disclosure on certain other advertisements and communications.

If a primarily formed committee makes an independent expenditure for a broadcast or mass mailing advertisement to support or oppose a candidate or ballot measure, the mailing or ad must identify the committee's name and the names of the committee's top two donors of \$50,000 or more. If the committee can show that the top two donors' contributions have been used for expenditures unrelated to the independent expenditure, the committee must disclose the contributors making the next largest contributions of \$50,000 or more. (For mass mailings, this is in addition to the sender identification requirements discussed earlier.) A candidate's controlled committee must include the same information on any independent expenditure it makes to support or oppose a ballot measure. Different identification requirements exist depending on whether the advertisement is made by video, radio, or print and when acronyms are used. Contact the FPPC for detailed information.

Candidates and committees that use campaign funds to make 500 or more phone calls in support or opposition of candidates or ballot measures must disclose during the phone call the name of the organization that authorized or paid for the call. Committees may not contract with phone bank vendors who do not disclose this information. This requirement does not apply to calls that are personally made by the candidate, campaign manager, or volunteers. A script of the call or a copy of the recorded phone message must be kept for four years.

When any committee makes expenditures totaling \$5,000 or more for an individual's

appearance in a printed, televised, or radio advertisement, or in a telephone message, that supports or opposes the qualification or passage of a state or local ballot measure, the advertisement must include a statement that the individual is being paid by the campaign or its donors. In addition, the Paid Spokesperson Report (Form 511) must be filed. (See Chapter 7.)

No identification or disclosure is required by the Political Reform Act on the following items when paid for by a candidate in support of his or her own campaign:

- Lawn signs
- Billboards
- Campaign literature that is distributed by some means other than mail, such as handouts at fundraisers or shopping malls, or door hangers
- Radio or television advertisements (these are regulated by the Federal Communications Commission)
- E-mails, faxes, or web site pages

## Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

82015	<i>Contribution.</i>
82025	<i>Expenditure.</i>
82031	<i>Independent Expenditure.</i>
82041.5	<i>Mass Mailing.</i>
82044	<i>Payment.</i>
82047	<i>Person.</i>
84211	<i>Contents of Campaign Statement.</i>
84305	<i>Requirements for Mass Mailing.</i>
84310	<i>Identification Requirements for Telephone Calls.</i>
84503	<i>Advertisement for or Against Ballot Measures.</i>
84506	<i>Independent Expenditures; Advertisements.</i>

- 84511 *Ballot Measure Ads; Paid Spokesperson Disclosure.*
- 85312 *Communications to Members of an Organization.*
- 85501 *Prohibition on Independent Expenditures by Candidate Controlled Committees.*

**Title 2 Regulations**

- 18215 *Contribution.*
- 18225 *Expenditure.*
- 18225.7 *Made At the Behest of.*
- 18401 *Required Recordkeeping for Chapter 4.*
- 18435 *Definition of Mass Mailing and Sender.*
- 18450.1 *Definitions. Advertisement Disclosure.*
- 18450.4 *Content of Disclosure Statements. Advertisement Disclosure.*
- 18450.11 *Spokesperson Disclosure.*
- 18523.1 *Written Solicitation for Contributions.*
- 18531.7 *Payments for Communications – Section 85312.*

# Chapter 4

## Getting Started

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Before money is raised or spent in connection with an election, the candidate and committee treasurer should become familiar with the various campaign disclosure forms applicable to the type of campaign or committee involved.

### Candidates and Controlled Committees

Candidates must file the Candidate Intention (Form 501) **before raising or spending any money**, including the candidate's personal funds. (Personal funds of the candidate may be used to pay filing or ballot statement fees prior to filing Form 501.) Subsequent filings depend upon the amount that will be raised or spent.

If **any** monetary contributions will be received from others, a separate campaign bank account must be opened. (See Chapter 1.)

#### Less than \$1,000

If less than \$1,000 will be raised or spent in a calendar year, including the candidate's personal funds, the Officeholder/Candidate Campaign Statement—Short Form (Form 470) may be filed by the candidate once each year. However, if after filing the Form 470, \$1,000 or more is received or spent, the Statement of Organization (Form 410) and the Recipient Committee Campaign Statement (Form 460) must be filed. The Form 470 Supplement may also be required.

Personal funds of the candidate used to pay filing or ballot statement fees are not counted toward the \$1,000 threshold.

#### \$1,000 or More

Candidates who will raise or spend \$1,000 or more in a calendar year must:

- File the Form 501;

- Set up a bank account;
- File the Statement of Organization (Form 410) within 10 days of raising or spending \$1,000 or more; and
- File the Recipient Committee Campaign Statement (Form 460) disclosing receipts and expenditures. (See Chapter 6.) Additional reports also may be required. (See Chapter 7.)

### Primarily Formed Committees

A primarily formed committee must file the Statement of Organization (Form 410) within 10 days of raising or spending \$1,000 in a calendar year.

Depending on the committee's level of activity, the Form 425, 450, or 460 is used to report campaign activity. (See Chapter 6.) Additional reports also may be required. (See Chapter 7.)

Primarily formed committees do not file Forms 501 or 470.

**Form 501  
Candidate  
Intention  
Statement**

<b>Candidate Intention Statement</b>		Type or Print in Ink.	Date Stamp	<b>CANDIDATE INTENTION STATEMENT</b>
Check One: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Amendment (Explain) _____				<b>CALIFORNIA FORM 501</b> For Official Use Only
<b>1. Candidate Information:</b>				
NAME OF CANDIDATE (Last, First, Middle initial)	DAYTIME TELEPHONE NUMBER	FAX NUMBER (optional)	E-MAIL (optional)	
Tyme, Sunny	(555 ) 333-7421	(555 ) 333-7621	Styme@aol.com	
STREET ADDRESS	CITY	STATE	ZIP CODE	
200 McFadden Street	Playa del Sol	CA	95888	
OFFICE SOUGHT (POSITION TITLE)	AGENCY NAME	DISTRICT NUMBER, if applicable	<input checked="" type="checkbox"/> NON-PARTISAN PARTY:	
City Council	Playa del Sol	1		
OFFICE JURISDICTION			20XX (Year of Election)	
<input type="checkbox"/> State (Complete Part 2.)	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Multi-County: _____ (Name of Multi-County Jurisdiction)			
<b>2. State Candidate Expenditure Limit Statement:</b> <small>(CalPERS candidates, judges, judicial candidates, and candidates for local offices are not required to complete Part 2.)</small>				
____ (Year of Election) <b>Primary/general election</b>		____ (Year of Election) <b>Special/runoff election</b>		
<small>(Check one box)</small>				
<input type="checkbox"/> I accept the voluntary expenditure ceiling for the election stated above.				
<input type="checkbox"/> I do not accept the voluntary expenditure ceiling for the election stated above.				
Amendment: <input type="radio"/> I did not exceed the expenditure ceiling in the primary or special election held on: ____/____/____ and I accept the voluntary expenditure ceiling for the general or special run-off election.				
<small>(Mark if applicable)</small>				
<input type="checkbox"/> On ____/____/____, I contributed personal funds in excess of the expenditure ceiling for the election stated above.				
<b>3. Verification:</b>				
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on	[Date Required]	Signature	[Signature Required]	
	<small>(month, day, year)</small>		<small>(Candidate)</small>	

**Candidate Intention (Form 501)  
When and Where to File**

Before any contributions are solicited or received, and before any campaign expenditures are made from personal funds, candidates must file Form 501. A new Form 501 must be filed for each election, even if the candidate is running for reelection.

Superior Court candidates file with:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Suite 495  
Sacramento, CA 95814

Candidates for other local offices file Form 501 with the local filing officer (city clerk, county clerk/registrar of voters) with whom the candidate will file his or her original campaign statements. (See Chapter 5.)

The Form 501 is considered filed when it is placed in the mail. The date of postmark is the date filed.

**How to Complete Form 501  
Type of Statement**

Check one of the following boxes indicating the type of statement being filed:

- Initial — If this is the first Candidate Intention Statement being filed for this election.
- Amendment — If any change occurs on a previously filed Form 501; for example, a change of address.

**Candidate Information**

Provide the candidate's full name, street address, and a daytime telephone number. (A business address may be used.) Providing a fax number or e-mail address is optional.

**Office Sought**

Enter the title of the office sought, e.g., Supervisor.

**District Number**

Enter the district number or letter, if applicable.

**Office Jurisdiction**

Check one box indicating the jurisdiction of the office being sought and enter the name of the city or county, if applicable.

- Multi-County — Candidates seeking an elective office where the jurisdiction of the agency contains parts of two or more counties. (This does not include candidates for the Legislature, State Board of Equalization, or appellate or superior court. See FPPC’s Information Manual for State Candidates (Manual 1).)
- County of — Candidates seeking an elective county office (including superior court judge and most school board members). Provide name of county.
- City of — Candidates seeking an elective city office. Provide name of city.

**Year of Election**

Enter the year of the election for the office being sought. Month and day are not required.

**State Candidate Expenditure Limit Statement**

This section does not apply to local candidates; it applies only to candidates for State Assembly and Senate, and candidates seeking statewide office.

**Verification**

Form 501 is not considered filed if it is not signed.

**Answering Your Questions**

- Q. *Am I required to file a document to withdraw as a candidate?*
- A. The FPPC does not administer the laws which govern what candidates must do to

appear on a ballot or to remove their names from a ballot. Contact your local filing officer.

- Q. *Am I required to file Form 501 if I will set up a committee to fight my recall?*
- A. No.
- Q. *Am I required to file a Form 501 if I am a replacement candidate in a recall election?*
- A. Yes. Replacement candidates must file a Form 501.
- Q. *Am I required to file Form 501 when I run for reelection to the same office?*
- A. Yes. If you seek reelection to the same office, you are required to file an “Initial” Form 501 prior to raising or spending any money for the new election.
- Q. *When may I begin to solicit and raise funds for my election?*
- A. You may solicit and receive funds as soon as you have placed the Form 501 in the mail.
- Q. *Are candidates who are seeking election to a particular district or seat, e.g., city council or a community college board of trustees, required to specify the district/seat on the Form 501?*
- A. Yes. Each district/seat on the city council or the community college board of trustees is considered a specific office. Note: The “district number” is not applicable for candidates running for mayor or city council at large.
- Q. *I have completed the process to be an official write-in candidate. Do I have any reporting obligations?*
- A. Yes. You have the same reporting obligations as any other candidate.

## Officeholder and Candidate Campaign Statement – Short Form (Form 470)

The Form 470 may be filed by a candidate or officeholder who does not anticipate raising or spending \$1,000 or more in a calendar year. Payments from the candidate's personal funds used to pay filing or ballot statement fees do not count toward the \$1,000 threshold.

Form 470 may not be used if the candidate or officeholder has an existing controlled committee established for a past election, future election, or ballot measure (including recalls).

There are special exceptions, discussed below, that apply to judges and unpaid elected officeholders (officeholders who receive salaries less than \$200 a month).

### When to File

Form 470 is filed once each year on or before the filing deadline for the first semi-annual statement (July 31) or the first preelection statement filed in connection with an election, whichever occurs first. Preelection filing deadlines can be obtained from your local election official.

If the Form 470 is filed and, later in the calendar year, \$1,000 or more is raised or spent, the candidate's filing deadlines and forms will change. (See Form 470 Supplement.)

### Filing Form 470 During Election Years Officeholders

If an officeholder will be listed on a ballot during the first six months of the calendar year, Form 470 (covering the year of the election) may be filed with the declaration of candidacy but must be filed no later than the filing deadline for the first preelection statement required in connection with the election. If the election will be held during

the last six months of the calendar year, the Form 470 must be filed no later than July 31. Enter the election date on this Form 470.

### Non-Incumbent Candidates

If a candidate will be listed on the ballot in the first six months of the calendar year, Form 470 (covering the year of the election) may be filed with the declaration of candidacy but must be filed no later than the filing deadline for the first preelection statement required in connection with the election.

A candidate who will be listed on the ballot in the last six months of the calendar year and receives contributions or makes expenditures:

- Before June 30: Files Form 470 by July 31.
- After June 30: May file Form 470 with the declaration of candidacy, but no later than the filing deadline for the first preelection statement required to be filed in connection with the election.

**Example** *Non-incumbent judicial candidate Janice Chambers is listed on the November ballot. She does not intend to raise or spend \$1,000 in connection with her election. By June 30, she had received no contributions and her only expenditures were for the filing and ballot statement fees paid for with her personal funds. Janice is required to file Form 470 by the first preelection filing deadline.*

### Non-Election Years Officeholders

Generally, officeholders who will not be in an election during the calendar year file the Form 470 no later than July 31.

### Non-Incumbent Candidates

Non-incumbent candidates who raise or spend funds less than \$1,000 during a non-election year also must file statements for

that year. The Form 470 must be filed on or before July 31 if funds are raised or spent during the first six months of the calendar year. The Form 470 must be filed on or before January 31 if funds are raised or spent during the last six months of the previous calendar year (and no funds were raised during the first six months).

**Example** *In November 2007, non-incumbent candidate Joe Lim spent \$400 in connection with an election in which he is seeking office; the election will be held in June of 2008. Since Joe did not raise or spend a total of \$1,000 during the calendar year, he filed a Form 470 by January 31, 2007, which covers his reporting obligations for the entire year. Joe will also file a Form 470 by the first preelection deadline for the election in 2008, assuming he will not raise or spend \$1,000 or more during 2008.*

Candidates running in an election in the first three months of the year may be required to file Form 470 in October, November, or December of the previous non-election year, as well as in the election year. The candidate should review the filing schedule provided by the filing officer.

**Example** *Sonja Hansen, a city council candidate, will be on the ballot in February. Her first preelection statement for this election is in December of the previous year. Since she does not intend to raise or spend \$1,000 during this calendar year, she files a Form 470 by the first preelection statement due date. The second preelection statement is due in January. Since her first Form 470 covered the period ending December 31 only, and because she does not intend to raise or spend \$1,000 during the year of the election, she files another Form 470 covering the entire calendar year of the election by the second preelection statement deadline.*

### Judges and Unpaid Elected Officeholders

Unpaid officeholders (defined in the Act as those who receive less than \$200 per month for serving in office) and judges are not required to file Form 470 for any semi-annual period (January 1 - June 30 or July 1 - December 31) in which they are not listed on the ballot and do not receive any contributions or make any expenditures.

To determine whether \$200 has been received, only the elected official's fixed compensation for services (i.e., salary) need be counted; payments for health benefits, reimbursement for expenses (including travel expenses), or per diem received from the elected official's agency need not be counted toward the \$200.

This exception applies even if a judge or unpaid officeholder has a controlled committee, as long as the committee has not received any contributions or made any expenditures (excluding bank fees and interest).

### Election Years

During an election year, the deadline for filing the Form 470 will depend on the date of the election. Judges and unpaid officeholders running in an election during the first six months of the year may file Form 470 (covering the year of the election) with the declaration of candidacy, but no later than the filing deadline for the first preelection statement required in connection with the election.

If the election will be held during the last six months of the year, the Form 470 must be filed by July 31 if any funds were raised or spent (other than the candidate's personal funds for a filing or ballot statement fee) between January 1 and June 30. If no contributions were received or expenditures made by June 30, the Form 470 may be filed with the declaration of candidacy, but no later than the filing deadline for the first preelection

## Chapter 4 — Getting Started

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statement required in connection with the election.

**Example** *Judge Mercado is listed on the November ballot and anticipates raising and spending less than \$1,000 for his reelection. By June 30, he had received no contributions since January 1 and his only expenditures were for the filing and ballot statement fees paid for with his personal funds. The judge is not required to file by the July 31 semi-annual filing deadline, but must file a Form 470 by the first preelection filing deadline.*

### Where to File Form 470

#### Superior Court Judge

- Original and one copy with:  
Secretary of State  
1500 11<sup>th</sup> Street, Ste. 495  
Sacramento, CA 95814
- Two copies with the county clerk or registrar of voters.

#### Multi-County Office

For local offices in agencies with jurisdiction in two or more counties:

- Original and one copy with the county with the largest number of registered voters in the jurisdiction; and
- Two copies with the candidate/officeholder's county of domicile, if different from the county receiving the original.

#### County Office

- Original and one copy with the county clerk or registrar of voters; and
- Two copies with the candidate/officeholder's county of domicile, if different from the county receiving the original.

#### City Office

- Original and one copy with the city clerk.

**Form 470  
Officeholder  
and  
Candidate  
Campaign  
Statement**

<b>Officeholder and Candidate Campaign Statement – Short Form</b> <small>(Government Code Section 84206)</small>		Type or print in ink.		Date Stamp		SHORT FORM <b>CALIFORNIA FORM 470</b> For Official Use Only	
Date of election if applicable: <small>(Month, Day, Year)</small> 6/6/20XX		<input type="checkbox"/> <b>Amendment</b> (Explain Below)					
<b>1. Statement Covers Calendar Year 20</b> <u>XX</u> .							
<b>2. Officeholder or Candidate Information</b> NAME OF OFFICEHOLDER OR CANDIDATE Sunny M. Tyme STREET ADDRESS 200 McFadden Street CITY STATE ZIP CODE Playa del Sol CA 95888 AREA CODE/DAYTIME PHONE NUMBER OPTIONAL: FAX / E-MAIL ADDRESS 555/333-7421 555/333-7621/Styme@aol.com				<b>3. Office Sought or Held</b> OFFICE SOUGHT OR HELD City Council JURISDICTION (LOCATION) DISTRICT NUMBER (IF APPLICABLE) City of Playa del Sol 1			
<b>4. Committee Information</b> List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.							
COMMITTEE NAME AND I.D. NUMBER Concerned Citizens ID #102046		COMMITTEE ADDRESS 1220 60th Street Playa del Sol, CA 95888		NAME OF TREASURER Dorleen Abrahms			
<b>5. Verification</b> I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$1,000 and that I will spend less than \$1,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.							
Executed on _____ [Date Required] <small>DATE</small>				By _____ [Signature Required] <small>SIGNATURE OF OFFICEHOLDER OR CANDIDATE</small>			

**How to Complete Form 470**

**Date of Election**

If the candidate or officeholder is running in an election during the calendar year, indicate the month, day, and year of the election.

**Period Covered**

The period covered is always the calendar year.

**Officeholder or Candidate Information**

Provide the candidate/officeholder’s name, a daytime telephone number, and a residential or business address. A post office box number, Mail Boxes Etc. street address, or some similar service’s street address may not be used.

**Office Held or Sought**

Indicate the office being held and/or sought and provide the location and district number of the office, if applicable.

**Committee Information**

A candidate or officeholder who is aware of a primarily formed committee that is receiving contributions and making expenditures on behalf of his or her candidacy must disclose the primarily formed committee’s name, identification number, address, and the name of the treasurer.

**(Example)** *Sunny Tyme’s neighbors formed the Concerned Citizens’ Committee for the purpose of getting her elected as mayor. Sunny is aware of the committee but has no involvement with its day-to-day activities. Sunny discloses this committee on her Form 470.*

**Verification**

The Form 470 is not considered filed if it is not signed. The officeholder/candidate must sign and date the form.

### Answering Your Questions

Q. *What reporting period does the Form 470 cover?*

A. Form 470 is filed once each calendar year and covers the entire calendar year. When you file Form 470 covering the year of the election with your declaration of candidacy, or on or before the deadline for filing your first preelection statement, you do not need to file any additional campaign statements as long as neither your total receipts nor your total expenditures are \$1,000 or more during the calendar year.

Q. *If I am a non-incumbent candidate, am I required to file a Form 470 in connection with my election if I am running unopposed, my name does not appear on the ballot, and the only expenditure I make is from personal funds for a filing or ballot statement fee?*

A. No. A Form 470 is not required. However, once you assume office, a Form 470 may be required.

Q. *As a member of a county central committee, am I required to file a Form 470 for years when I will not appear on the ballot?*

A. In connection with your county central committee office, file the Form 470 only if you receive a contribution or make campaign expenditures of less than \$1,000 in a calendar year, or will appear on the ballot in that year.

Q. *If I am in a January election and will not raise or spend \$1,000 in connection with that election, when am I required to file Form 470?*

A. File Form 470 in the preceding November, the deadline for filing your first preelection statement in connection with the January election. In addition, if your second preelection statement is due

in January, another Form 470 must be filed. The reason for this is because a Form 470 is filed in each calendar year. The first Form 470 covers the calendar year preceding the election, and the second Form 470 covers the calendar year in which the election takes place.

Q. *I am running as a non-incumbent for city council in November 2008. I filed a Candidate Intention Statement (Form 501) and Statement of Organization (Form 410) to form a committee on May 1, 2008. If I have not raised or spent \$1,000 by June 30, 2008, should I file Form 470 or Form 460 by the July 31 semi-annual due date?*

A. Because you intend to raise \$1,000 or more during 2008, you should file Form 460. Form 470 is filed only when a candidate has not raised \$1,000 or more and does not intend to raise \$1,000 or more in the calendar year. (If you file Form 470 as a semi-annual statement and ultimately receive or spend \$1,000 or more during 2008, refer to the requirements for filing the Form 470 Supplement.)

Q. *I am a city council member and I closed my campaign committee in March. May I file the Form 470 for the statement due July 31?*

A. No. You may not file the Form 470 if you have had a committee open at any time during the calendar year, or intend to have one later in the year. You must continue filing the Form 460 as an officeholder for the remainder of the calendar year. The Form 470 may be filed the following calendar year if you do not have, nor intend to have, a committee for that entire calendar year.

**Form 470 Supplement**

Type or print in ink. <b>Officeholder and Candidate Campaign Statement Form 470 Supplement</b> <small>(Government Code Section 84206)</small>		FORM 470 SUPPLEMENT <b>CALIFORNIA FORM 470 SUPPLEMENT</b> For Official Use Only
SEE INSTRUCTIONS ON REVERSE	<input type="checkbox"/> <b>Amendment</b> (Explain Below)	Date Stamp
This form is written notification that the officeholder/candidate listed below has received contributions totaling \$1,000 or more or has made expenditures of \$1,000 or more during the calendar year.		
<b>1. Officeholder or Candidate Information</b>		
NAME OF OFFICEHOLDER OR CANDIDATE Sunny M. Tyme		
STREET ADDRESS 200 McFadden Street		
CITY Playa del Sol	STATE CA	ZIP CODE 95888
AREA CODE/DAYTIME PHONE NUMBER 555/333-7421	OPTIONAL: FAX / E-MAIL ADDRESS 555/333-7621/Styme@aol.com	
<b>2. Office Sought</b>		
OFFICE SOUGHT City Council	DISTRICT NUMBER (IF APPLICABLE) 1	
DATE OF ELECTION (MONTH, DAY, YEAR) 6/6/20XX		
<b>3. Date Contributions Totaling \$1,000 or More Were Received or Date Expenditures of \$1,000 or More Were Made</b>		
4/6/20XX <small>(MONTH, DAY, YEAR)</small>		

**Form 470 Supplement**

If a candidate files a Form 470 covering a calendar year in which the candidate is running in an election (i.e., with the declaration of candidacy, in lieu of a first preelection statement, or for the June 30 semi-annual filing) and later receives contributions totaling \$1,000 or more, or makes expenditures totaling \$1,000 or more, prior to the election, the candidate must send a Form 470 Supplement or other written notice.

**When and Where to File**

The Form 470 Supplement must be filed within 48 hours of receiving or spending \$1,000.

The notification is sent to:

- Secretary of State’s Office;
- Each candidate seeking the same office; and
- City or county clerk, or county registrar of voters, if the candidate is running for a city or county office.

**Method of Delivery**

The notification must be sent via guaranteed overnight delivery, personal delivery, or fax.

**Content of Notification**

The Form 470 Supplement is included in the Form 470, or the candidate may provide the following information on a blank piece of paper:

- The candidate’s name, address, and daytime telephone number;
- The elective office sought and district number, if applicable;
- The date of the election; and
- The date contributions or expenditures totaling \$1,000 or more were received or made.

The candidate also must file a Statement of Organization (Form 410) and begin filing the Recipient Committee Campaign Statement (Form 460). (See Chapter 6.)

### Answering Your Questions

- Q. *I am in an election in June of this year and filed a Form 470 for last year because I had activity in December. Am I required to file a 470 Supplement if I receive contributions totaling more than \$1,000 in January?*
- A. No. If you file a Form 470 in connection with your election (either with your declaration of candidacy or on the first preelection deadline), a Form 470 Supplement would be required if you raise or spend \$1,000 or more in the year of the election.

### Statement of Organization (Form 410)

A person or group that receives \$1,000 or more in contributions in a calendar year qualifies as a recipient committee and must file Form 410. The Form 410 identifies the name of the committee and provides the public information regarding the committee's purpose and its officers.

### When and Where to File

The original and one copy of the Form 410 is filed with the Secretary of State within 10 days of receiving \$1,000 or more.

Secretary of State  
Political Reform Division  
1500 11th Street, Suite 495  
Sacramento, CA 95814

Candidates for local office and committees formed to support or oppose candidates for local offices also must file a copy of the Form 410 with the local filing officer (city clerk, county clerk/registrar of voters) with whom the committee will file its original campaign statements. (See Chapter 5.)

The Form 410 may be filed prior to raising \$1,000 and then must be amended within 10 days of reaching the \$1,000 threshold to

disclose the date qualified as a committee. (See below for how to amend a Form 410.)

Upon receipt of the Form 410, the Secretary of State's office will assign the committee an identification number. This number is used on all reporting forms. Once assigned, the identification number will be posted on the Secretary of State's website ([www.sos.ca.gov](http://www.sos.ca.gov)) and written notification will be sent to the committee treasurer. Contact the Secretary of State's office at (916) 653-6224 with questions about obtaining a committee identification number.

### Candidate Controlled Committees

Personal funds used to pay the filing and ballot statement fees do not count toward the \$1,000 threshold for qualifying as a committee. However, all other personal funds used in connection with the election are counted.

**(Example)** *On February 15, Megan Waters, a candidate for mayor, opened her campaign bank account with a personal loan of \$1,500. By February 25, Megan must either mail or personally deliver the Form 410 to the Secretary of State and a copy to the city clerk.*

### Primarily Formed Committees

**(Example)** *A group of neighbors joined forces to help elect Sunny Tyme, a candidate for mayor. On March 1, the group received 10 checks of \$100 each. Because they qualified as a committee on that date, they must mail or personally deliver a Form 410 to the Secretary of State and a copy to the city clerk no later than March 11.*

### 24-Hour Deadline

A committee that qualifies during the last 16 days before the election must file Form 410, or the information required on the 410, within 24 hours of qualifying. The information must

be provided to the filing officer with whom the committee will be filing its original campaign disclosure statements, by fax, guaranteed overnight delivery, or personal delivery. In addition, an original Form 410 must be filed with the Secretary of State within 10 days of qualifying as a committee (regular mail may be used).

**Example** *Fourteen days before the city election, candidate Lilly Pond received a contribution of \$900, bringing her cumulative contributions received to date to \$1,250. Because she qualified as a committee within 16 days before her election, she must file the information contained on the Form 410 with her city clerk within 24 hours of qualifying as a committee. She must also file an original Form 410 within 10 days with the Secretary of State. Because she did not anticipate receiving or spending \$1,000 during the calendar year, Lilly filed a Form 470 as a first preelection statement. Within 48 hours, she must file the Form 470 Supplement with the Secretary of State, her city clerk, and provide a copy to all her opponents. The Form 470 Supplement must be sent to all recipients by guaranteed overnight delivery, fax, or personal delivery.*

### Amendments

When any information on the Form 410 changes, an amendment must be filed within 10 days of the change. To amend:

- The “Amendment” box is checked at the top of the Form 410 and the committee’s identification number entered;
- The name of the committee must be provided;
- The information that has changed is included; and
- The verification is signed. In the case of a controlled committee, both the treasurer and the candidate(s) must sign.

**Example** *In January, Cynthia Doorman, a city council candidate, filed a Form 410 prior to qualifying as a committee. On February 10, Cynthia received a number of contributions totaling more than \$1,000. By February 20, Cynthia must have either mailed or personally delivered an amended Form 410 to the Secretary of State and a copy to her city clerk showing the date the committee qualified.*

### 24-Hour Deadline for Amendments

If, during the last 16 days before the election, the committee changes:

- The name of the committee;
- The treasurer or other principal officers;
- Any candidate who controls the committee; or
- Any committee with which the committee acts jointly,

the amended information must be filed within 24 hours with the filing officer with whom the committee files its original campaign statements. The information must be delivered by guaranteed overnight delivery, personal delivery, fax, or online transmission if the filing officer is capable of receiving notification in that manner. In addition, local committees must file an amended Form 410, with an original signature, with the Secretary of State within 10 days of the change.

### Using Funds for a Future Election Controlled Committee

An amendment to the Form 410 is required for a local candidate to “redesignate” a campaign committee and bank account for a future election to the same office. An incumbent intending to seek reelection may redesignate any time prior to receiving contributions in connection with reelection. A defeated candidate intending to run for the same office in a future election must redesignate the committee and bank account

before the end of the post-election reporting period. Failure to do so restricts the use of leftover campaign funds. (See Chapter 8 for further discussion.)

**Examples** *Dolores Sunghi was an unsuccessful candidate in the June election. Dolores must redesignate the committee and bank account no later than June 30 of the same year, the end of the post-election reporting period, if she wishes to use those funds for a future election.*

*Joe Winner is seeking reelection to the city council. He wishes to use the same committee and bank account. In order to do so, Joe files a Form 410, checking the amendment box and indicating the year of the election. After filing the Form 501 for the new election, Joe is free to raise and deposit campaign contributions into the bank account.*

A local candidate's committee and bank account may be redesignated for a future election only if:

- The future election is for the same elective office;
- The funds in the campaign bank account/committee are not considered "surplus campaign funds" (see Chapter 9);
- The candidate amends the committee's Form 410 to reflect the redesignation for the future election;
- The candidate files a new Form 501, Candidate Intention Statement, for the specific future election; and
- There are no local laws prohibiting the redesignation.

### **Primarily Formed Committee**

A primarily formed committee may remain open after the election to support or oppose other candidates or ballot measures. The Form 410 should be amended to reflect the

change in the "Type of Committee." (See instructions on the Form 410 or contact the FPPC to discuss what type of committee will be formed.)

### **Termination**

The Form 410 is also used to terminate a committee. In order to terminate, the committee may no longer be receiving contributions or making expenditures, and must have disposed of all funds and filed all required campaign reports. To terminate:

- Check the "Termination" box at the top of the Form 410 and enter the committee's identification number;
- Enter the name of the committee; and
- Sign the verification. For a controlled committee, both the treasurer and the candidate must sign.

**Form 410  
Statement of  
Organization**

<b>Statement of Organization Recipient Committee</b>		Type or print in ink	Date Stamp	STATEMENT OF ORGANIZATION <b>CALIFORNIA FORM 410</b> <small>For Official Use Only</small>
Statement Type <input checked="" type="checkbox"/> <b>Initial</b> <small>Not yet qualified <input type="checkbox"/> or</small>		<input type="checkbox"/> <b>Amendment</b> <small>List I.D. number:</small>	<input type="checkbox"/> <b>Termination – See Part 5</b> <small>List I.D. number:</small>	
9 / 5 / 20XX <small>Date qualified as committee</small>		# _____ <small>Date qualified as committee (if applicable)</small>	# _____ <small>Date of Termination</small>	
<b>1. Committee Information</b>		<b>2. Treasurer and Other Principal Officers</b>		
NAME OF COMMITTEE <b>Committee to Elect Waters Mayor</b>		NAME OF TREASURER <b>Ben Rogers</b>		
STREET ADDRESS (NO P.O. BOX) <b>10 Parkway Plaza</b>		STREET ADDRESS <b>10 Parkway Plaza</b>		
CITY <b>Playa del Sol</b>	STATE <b>CA</b>	ZIP CODE <b>95888</b>	AREA CODE/PHONE <b>555/333-5432</b>	
MAILING ADDRESS (IF DIFFERENT)		NAME OF ASSISTANT TREASURER, IF ANY <b>Megan Waters</b>		
OPTIONAL: FAX / E-MAIL ADDRESS <b>Brogers@jps.net</b>		STREET ADDRESS <b>100 Sandburg Street</b>		
CITY OF DOMICILE <b>Beach</b>	COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE	CITY <b>Playa del Sol</b>	STATE <b>CA</b>	ZIP CODE <b>95888</b> AREA CODE/PHONE <b>555/333-1601</b>
Attach additional information on appropriately labeled continuation sheets.		NAME AND POSITION OF OTHER PRINCIPAL OFFICER(S), IF APPLICABLE <b>N/A</b>		
		MAILING ADDRESS		
		CITY STATE ZIP CODE AREA CODE/PHONE		
<b>3. Verification</b>				
I have used all reasonable diligence in preparing this 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 _____ [Date Required]	DATE	By _____ [Signature Required]	SIGNATURE OF TREASURER OR ASSISTANT TREASURER	
Executed on _____ [Date Required]	DATE	By _____ [Signature Required]	SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT	

**How to Complete Form 410**

**Statement Type**

Check the “Initial” box if this is the first filing and indicate the date on which the committee met the \$1,000 threshold, or check the “Not Yet Qualified” box.

Check the “Amendment” box to amend information on an existing Form 410, e.g., to report the date the committee qualified as a committee, or to redesignate the committee or bank account for a future election.

Check the “Termination” box to close the campaign committee. The committee’s campaign filing obligations will continue until it meets the requirements to terminate and files a Form 410, checking the “Termination” box. (See Chapter 8.)

**Committee Name**

Provide the full name of the committee. A controlled committee must include in its name the last name of the controlling candidate.

Committees established by an officeholder to defend against a recall attempt must include the term “recall” in the committee name.

If a primarily formed committee is sponsored by a business entity, organization, or association, the name of the sponsor must be included in the name of the committee. (See later in this chapter for the definition of “sponsored committee.”)

**Committee Address**

Use a street address as the address of the committee. A post office box may be used as a mailing address. The committee may have more than one mailing address.

**County of Domicile**

Indicate the county in which the committee is located. This may be different than the county in which the committee is active.

**(Example)** *Joy O. Cooking is running for the Board of Supervisors in Sierra County. However, the committee’s address is in Plumas County where her treasurer has*

*his office. The Form 410 reports Plumas County as the “County of Domicile” and Sierra County under “County Where Committee is Active if Different than County of Domicile.” Statements are filed in both locations.*

### **Treasurer, Assistant Treasurer, and Other Principal Officers**

The committee must have a treasurer and may have an assistant treasurer. Report the names of the treasurer and assistant treasurer along with their mailing addresses and phone numbers. If the committee has principal officers, other than the treasurers, list each officer’s full name, position held, and street address.

If a candidate chooses to be his or her own treasurer, list the name, mailing address, and telephone number of the candidate.

Remember that for statements requiring signatures of the candidate and treasurer, the candidate must sign on both lines.

### **Verification**

The Form 410 is not considered filed if it is not signed. The treasurer, or assistant treasurer, must sign the verification. In the case of a controlled committee, both the treasurer or assistant treasurer and the candidate/officeholder must sign.

When two or three candidates control a committee, each candidate must sign the verification. If more than three candidates control the committee, one of the candidates may sign on behalf of all controlling candidates.

**Form 410  
Statement of  
Organization  
Page 2**

<b>Statement of Organization Recipient Committee</b>			STATEMENT OF ORGANIZATION CALIFORNIA FORM <b>410</b>	
INSTRUCTIONS ON REVERSE			Page 2	
COMMITTEE NAME Committee to Elect Waters Mayor			I.D. NUMBER	
<b>4. Type of Committee</b> Complete the applicable sections.				
<b>Controlled Committee</b>				
<ul style="list-style-type: none"> <li>List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.</li> <li>List the political party with which each officeholder or candidate is affiliated or check "non-partisan."</li> <li>If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.</li> </ul>				
NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY	
Megan Waters	Mayor	20XX	<input checked="" type="checkbox"/> Non-Partisan	
<ul style="list-style-type: none"> <li>List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)</li> </ul>				
NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER		
Playa Bank	555/616-3200	030558		
ADDRESS	CITY	STATE	ZIP CODE	
1611 Sandy Way	Playa del Sol	CA	95888	
<b>Primarily Formed Committee</b> Primarily formed to support or oppose specific candidates or measures in a single election. List below:				
CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)		CHECK ONE	
N/A			SUPPORT	OPPOSE

**Type of Committee  
Controlled Committee**

Candidates must complete this section. A candidate may not establish more than one committee per election to a specific office. Since all local elections in California are non-partisan, check the "Non-Partisan" box in the "Party" column.

**Example** Henry Black formed a committee for the office of mayor. Four years later, he plans to seek reelection to the same office. Henry may use his previous committee for mayor or he may form a new committee. After his last election for mayor, Henry decides to run for State Senate. Henry must form a new committee for the Senate election. This is the only committee he may control in connection with seeking the Senate seat that year.

**Name of Financial Institution**

Report the name and complete address of the financial institution where the

committee's campaign bank account is located, as well as the campaign bank account number. If a bank account has not been opened at the time of filing an "Initial" Form 410, amend the Form 410 within ten days of opening the bank account to provide this information.

**Committees Controlled by Two or More Candidates**

If two or more candidates form one committee to support their candidacies for elective office, they must:

- Each file the Form 501;
- File one Statement of Organization (Form 410);
- Establish one bank account for the committee (each candidate must deposit all contributions and make all expenditures from this bank account);
- File one Recipient Committee Campaign Statement (Form 460) disclosing receipts and expenditures each time the statement is due.

### Primarily Formed Committee

Complete this section for a non-controlled committee whose principal activity is raising or spending money to support or oppose a specific candidate or a group of specific candidates all being voted upon in the same election on the same date.

### Sponsored Committee

If the committee is sponsored by an entity, provide the name and address of the sponsor. In addition, indicate the industry group or affiliation of the sponsor. Individuals do not sponsor committees.

An entity sponsors a committee if any of the following criteria apply:

- The committee receives 80% or more of its contributions from the entity or its members, officers, employees, or shareholders.
- The entity collects contributions for the committee through payroll deductions or dues from its members, officers, or employees.
- The entity, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.
- The entity, alone or in combination with other organizations, sets the policies for contribution solicitation or payment of expenditures from committee funds.

### Answering Your Questions

*Q. Must we wait until \$1,000 is received to file a Form 410?*

A. No. You may file a Form 410 prior to committee qualification. Check the box “Not Yet Qualified.” Once you have reached the \$1,000 threshold, file an amendment reporting the date the committee qualified.

*Q. May our committee use a mail receiving and forwarding service, such as Mail Boxes Etc., as the committee’s street address on the Form 410?*

A. No. A post office box or lock box number is not acceptable as a street address. You may use a post office box address on a mass mailing as long as you indicated this address as your mailing address on the Form 410.

*Q. As a candidate, may I be designated treasurer on the Form 410?*

A. Yes, you may be the treasurer or assistant treasurer.

*Q. May more than one candidate control a single committee to run for office?*

A. Yes. Each candidate should file a Form 501 prior to raising or spending any money. For both Form 410 and Form 460, each candidate must sign the verification, in addition to the treasurer or assistant treasurer. If the committee is controlled by more than three candidates, one candidate may sign on behalf of the other candidates.

*Q. I am an officeholder and the target of a recall election. I have formed a separate committee to oppose the recall. On the Form 410, what sections do I complete under Part 4 — Type of Committee?*

A. You should complete both the Controlled Committee and Primarily Formed Committee sections. Be sure to include the word “recall” in the name of the committee.

*Q. I am running as a replacement candidate on a recall ballot. On the Form 410, what sections do I complete under Part 4— Type of Committee?*

A. You should complete the Controlled Committee section.

## Candidate Statement of Economic Interests (Form 700)

In addition to filing reports of their campaign finances, most candidates are required to disclose certain personal financial interests under the Political Reform Act's conflict of interest rules by completing a Statement of Economic Interests (Form 700). Investments and real property held on the day the declaration of candidacy is due, as well as income received during the 12 months prior to the date of filing the declaration of candidacy, must be reported. This statement is due no later than the final filing date for the declaration of candidacy. Candidates file the Form 700 with the city clerk or registrar of voters where the declaration of candidacy is filed.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

- 81004 *Reports and Statements; Perjury; Verification.*
- 81004.5 *Reports and Statements; Amendments.*
- 81007 *Mailing of Report or Statement.*
- 82007 *Candidate.*
- 82013 *Committee.*
- 82016 *Controlled Committee.*
- 82025 *Expenditure.*
- 82044 *Payment.*
- 82047.5 *Primarily Formed Committee.*
- 82048.7 *Sponsored Committee.*
- 84101 *Statement of Organization; Filing.*
- 84102 *Statements of Organization; Contents.*
- 84103 *Statement of Organization; Amendments.*
- 84106 *Sponsored Committee; Identification.*
- 84200 *Semi-Annual Statements.*

- 84200.3 *Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year.*
- 84200.5 *Preelection Statements.*
- 84200.6 *Special Campaign Statements and Reports.*
- 84200.7 *Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year.*
- 84200.8 *Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.*
- 84206 *Candidates Who Receive or Spend Less than \$1,000.*
- 84214 *Termination.*
- 84215 *Campaign Reports and Statements; Where to File.*
- 85200 *Statement of Intention to be a Candidate.*
- 85201 *Campaign Bank Account.*
- 87201 *Candidates (Statement of Economic Interests).*

### Title 2 Regulations

- 18402 *Committee Name.*
- 18404 *Termination of Candidate's and Committees' Filing Requirements.*
- 18406 *Short Form for Candidates or Officeholders Who Receive and Spend Less than \$1,000 in a Calendar Year.*
- 18419 *Sponsored Committees.*
- 18430 *Committee Controlled by More Than One Candidate.*
- 18520 *Statement of Intention to Be a Candidate.*
- 18521 *Establishment of Separate Controlled Committee for Each Campaign Account.*
- 18531.5 *Recall Elections.*

# Chapter 5

## When and Where to File Reports

This chapter reviews when and where committees file reports disclosing receipts and expenditures. Most candidates and committees will use the Recipient Committee Campaign Statement (Form 460). Primarily formed committees may be eligible to use the Recipient Committee Campaign Statement—Short Form (Form 450) or the Semi-Annual Statement of No Activity (Form 425). (Also see Chapter 7 for additional special reports that may be required.)

Candidates and officeholders without a committee should consult Chapter 4, Officeholder/Candidate Campaign Statement—Short Form (Form 470), to determine whether a report is due and, if so, when and where to file.

All reports and statements filed under the Political Reform Act are public records open for public inspection.

### When to File

The law sets specific deadlines for when Forms 460, 450, and 425 must be filed. Most campaign committees file two semi-annual statements each year. When an individual is listed on a ballot, and when a committee is raising or spending money in connection with an election, preelection statements also are required.

Many filing officers provide candidates and committees with an election packet that includes the dates for filing campaign statements. In addition, filing deadlines for certain local elections may be obtained online at [www.fppc.ca.gov](http://www.fppc.ca.gov). (Click onto “Candidates and Committees,” then click onto “Filing Deadlines.”) The filing deadlines found on the Commission’s website will not include any special filings required under a local ordinance. For this information, contact the local filing officer. The committee

treasurer is responsible for meeting all applicable filing deadlines. Filing officers are not required to send a reminder notice prior to the filing deadline.

Deadlines that fall on a Saturday, Sunday, or official state holiday are extended to the next business day. **This rule does not apply to late contribution reports and late independent expenditure reports discussed in Chapter 7, and there are no other provisions for extensions.** Filing after a deadline may lead to late filing penalties of \$10 for each day the statement is late, and committees that fail to file are subject to administrative penalties of up to \$5,000 per violation. Except where noted, statements must be hand delivered or postmarked as first-class mail, by the due date.

### Judges and Unpaid Elected Officeholders

Unpaid officeholders (defined in the Act as those who receive less than \$200 per month for serving in office), judges, and judicial candidates are not required to file semi-annual statements during any six-month period in which they have not received or made any contributions or expenditures. This is also true for election committees controlled by unpaid officeholders, judges and judicial candidates.

To determine whether \$200 has been received, only the elected official’s fixed compensation for services (i.e., salary) need be counted. Do not count payments for health benefits, reimbursement of expenses (including travel expenses), or per diem received from the elected official’s agency.

### Semi-Annual Statements

Most committees file a semi-annual statement for each half of the year, whether

or not they receive contributions or make expenditures during the six-month period. An existing committee or a committee newly formed during the first six months of the year will have a semi-annual statement due July 31 for the period January 1 - June 30.

An existing committee will have a semi-annual statement due January 31 of the following year for the period July 1 – December 31. A committee newly formed during the last six months of the year will have a semi-annual statement due January 31 of the following year for the period January 1 - December 31.

**Examples** *A county supervisor has a controlled committee. The supervisor receives over \$200 a month for serving in office. The supervisor is not seeking reelection and the committee did not raise or spend any funds during the calendar year. The committee must file a semi-annual statement covering the period January 1 through June 30, due on or before July 31, and a semi-annual statement covering the period July 1 through December 31, due by January 31.*

*A primarily formed committee formed in May to support a candidate's election in November. The committee files a semi-annual statement for the period January 1 through June 30, due July 31. Preelection statements are due in October, in addition to a semi-annual statement due in January of the following year. (Some local jurisdictions have additional filing requirements.) The committee must file semi-annual reports until it terminates.*

### Preelection Statements

In addition to semi-annual statements, controlled committees and primarily formed committees will file preelection statements before the election in which the candidate is listed on the ballot.

For specific reporting periods and filing deadlines, contact the local filing officer.

The second preelection statement must be filed by personal delivery or guaranteed overnight delivery.

Candidates who will not appear on the ballot because they are running unopposed are not required to file preelection statements.

### Recall Elections

A committee established by an officeholder who is the subject of a recall election must file campaign statements (Form 460) on a quarterly schedule until the semi-annual period in which the recall election is held. The quarterly filing schedule is:

<b>Period Covered</b>	<b>Filing Deadline</b>
January 1 - March 31	April 30
April 1 - June 30	July 31
July 1 - September 30	October 31
October 1 - December 31	January 31

During the semi-annual period in which the recall election is held, the committee must file two pre-election statements and a semi-annual statement on the schedule provided by the filing officer.

**Example** *District Attorney Don Williams is the subject of a recall election being held in September. In March, he formed a separate committee to oppose the recall. The committee must file quarterly statements on April 30 and July 31. During the period July 1 through December 31, the committee must file two pre-election statements in connection with the election, and a semi-annual statement for the period ending December 31, due on January 31 of the following year. After the January 31 filing, the committee will file semi-annual statements until it is terminated.*

**Amendments**

Except for amendments required to provide contributor information (see Chapter 1), there is no deadline for filing amendments to campaign reports. However, amendments should be filed as soon as practicable in the same location(s) as the original.

**Faxing Statements**

Campaign statements that contain 30 pages or less may be faxed provided that the faxed copy of the campaign statement is the exact copy of the original version. However, the original document, with an original signature, must still be sent by first-class mail, guaranteed overnight delivery, or personal delivery within 24 hours of the filing deadline.

**Where to File**

Candidates, controlled committees and primarily formed committees file statements based on the office sought by the candidate.

An “original” campaign statement is one containing the original signature of the officeholder or candidate, and/or treasurer or assistant treasurer.

**Quick TIP** The county of domicile for a candidate is the county where the candidate maintains his or her permanent residence. A committee is domiciled at the address listed on its statement of organization. When a candidate is domiciled in a different county than his or her controlled committee, copies of campaign statements must be filed in each county of domicile.

**Multiple Controlled Committees**

When a candidate or officeholder controls more than one committee, whether the committees are formed for different elections to the same office or for a different office within the **same jurisdiction**, all committees must file statements each time any committee statement is due.

Forms 460, 470, 425, 450	Filing Officers	What
<p><b>Superior Court</b> Superior court judges, candidates for superior court judge, their controlled committees, and primarily formed committees:</p>	<p>Secretary of State</p> <p>County with the largest number of registered voters in the jurisdiction affected (also county of domicile, if different)</p>	<p>Original &amp; 1 copy</p> <p>2 copies</p>
<p><b>Multi-County Offices</b> Elected officers in local agencies that have jurisdiction in two or more counties, candidates for these offices, their controlled committees, and primarily formed committees:</p>	<p>County with the largest number of registered voters in the jurisdiction affected</p> <p>County of domicile, if different from above</p>	<p>Original &amp; 1 copy</p> <p>2 copies</p>
<p><b>County Offices</b> Elected county officers, candidates for these offices, their controlled committees, and primarily formed committees:</p>	<p>County Clerk</p> <p>County of domicile, if different from above</p>	<p>Original &amp; 1 copy</p> <p>2 copies</p>
<p><b>City Offices</b> Elected city officers, candidates for these offices, their controlled committees, and primarily formed committees:</p>	<p>City Clerk</p>	<p>Original &amp; 1 copy</p>

When an elected officeholder in one jurisdiction runs for an office in **another jurisdiction**, the officeholder and all committees he or she controls file originally-signed campaign disclosure statements with the filing officer in the jurisdiction in which the officeholder holds office **and** the jurisdiction in which the officeholder is seeking office.

**Example** *Nels Nelson controls a committee for his election to the Beach County School Board. In addition, Nels formed a committee to run for mayor of Playa del Sol in a June election. As an incumbent school board member and a candidate for mayor, he files campaign statements for both committees with the following filing officers in connection with the June election:*

- *School Board committee files an original and one copy of the Form 460 with:  
County Clerk, Beach County  
City Clerk, Playa del Sol*
- *Mayoral committee files an original and one copy of the Form 460 with:  
City Clerk, Playa del Sol  
County Clerk, Beach County*

An officeholder who does not have a controlled committee may file the Form 470 by July 31 for the position held. If the officeholder subsequently opens a committee to run for a different office, he or she must file the Form 460 for the required preelection and semi-annual statements. Since the Form 470 was filed in connection with a position for which the candidate does not have a committee, a Form 470 Supplement is not required. (See Chapter 4.) However, if the officeholder opens a committee prior to June 30 for election to a different office, the Form 460 must be filed by July 31 for both the position held and the office sought. The officeholder may file one Form 460 and list both the position held and the office sought on the Cover Page, Part 5.

### Controlled Ballot Measure Committees

Some officeholders and candidates also control ballot measure committees. Dates and locations for filing statements for these controlled ballot measure committees vary depending on whether the committee is a **general purpose** ballot measure committee or one that is **primarily formed** to support or oppose a particular ballot measure or measures. (See FPPC's manual for ballot measure committees.)

### State Primarily Formed Ballot Measure Committees

Controlled state ballot measure committees are only required to file statements when and where state ballot measure committees are normally required to file; committees controlled by the officeholder or candidate to support their election to office are not required to file in connection with the ballot measure committee schedule.

### Local Primarily Formed Ballot Measure Committees

Controlled local ballot measure committees should file according to the filing schedule provided by their local filing officer. In addition, these committees file at the same times and places the controlling officeholder or candidate is required to file campaign statements in connection with the office he or she is seeking. The candidate's controlled election committee is not required to file on the ballot measure committee schedule if he or she is not also being voted on in the election.

### General Purpose Ballot Measure Committees

In addition to any other times provided by law, controlled general purpose ballot measure committees are required to file preelection statements whenever the controlling officeholder or candidate is required to file these statements in

connection with an election to office. In addition to filing with the committee's filing officers, an original and one copy of the ballot measure committee's statement is filed where the officeholder or candidate files his or her semi-annual and preelection statements for election to office.

**Example** *Teddy Graham has a committee to run for reelection to the city council for the city of Playa del Sol. In addition, Teddy controls a state general purpose ballot measure committee, domiciled in Beach County, that supports measures throughout the state dealing with shoreline protection. On the due date for the first preelection statement required for his reelection race, Teddy will file the following:*

- *Reelection Committee will file the Form 460 with:*
  - *City Clerk, Playa del Sol*  
*Original and one copy*
- *Ballot Measure Committee will file the Form 460 with:*
  - *Secretary of State*  
*Original and one copy*
  - *Registrar/Los Angeles County*  
*Two copies*
  - *Registrar/San Francisco*  
*Two copies*
  - *Beach County Clerk*  
*Two copies*
  - *City Clerk, Playa del Sol*  
*Original and one copy*

### Answering Your Questions

*Q. I am currently a city council member without a committee. I intend to run for the school board in the November election and will open a committee in July for the school board race. What are my reporting obligations?*

- A. Because you **intend** to have a committee during that calendar year, file Form 460 for your city council position with your city clerk by July 31 for the first six months of the calendar year. By the first preelection deadline for the school board race, file an originally-signed Form 460, as well as a copy, with **both** the city clerk and county registrar of voters in your county. On the Form 460, indicate the office you are seeking **as well as** the office you hold. You may wish to note on the form that you do not have a committee for your city council seat nor a bank account. You also must file a Statement of Organization (Form 410) within 10 days of receiving contributions of \$1,000 or more.
- Q. *In June, I was elected to the city council. After filing the semi-annual statement due on July 31, I paid off remaining bills and terminated my committee in August by filing a terminating Form 460. I will not engage in any further campaign activities. Am I required to file another Form 460 by January 31 of the following year as a semi-annual statement?*
- A. As an elected officer, you must file semi-annual statements each year. You may designate the Form 460 you file in August as a terminating statement and a semi-annual statement. However, if you subsequently receive any contributions or make any expenditures through December 31, file an amendment to your statement including the new information no later than January 31 of the following year. Remember that as an elected officeholder, if you receive \$200 or more in a calendar month for your elected position, you will be required to file the Form 470 by July 31 every year, even though you have terminated your committee.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

#### Government Code Sections

- 81004 *Reports and Statements; Perjury; Verification.*
- 81004.5 *Reports and Statements; Amendments.*
- 81007 *Mailing of Report or Statement.*
- 81007.5 *Faxing of Report or Statement.*
- 81008 *Public Records; Inspection; Reproduction; Time; Charges.*
- 82027 *Filing Officer.*
- 83116 *Violation of Title.*
- 84200 *Semi-Annual Statements.*
- 84200.3 *Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year.*
- 84200.4 *Time for Filing Reports Pursuant to Section 84200.3.*
- 84200.5 *Preelection Statements.*
- 84200.7 *Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year.*
- 84200.8 *Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.*
- 84209 *Consolidated Statements.*
- 84215 *Campaign Reports and Statements; Where to File.*
- 91013 *Late Filing of Statement or Report; Fees.*

#### Title 2 Regulations

- 18116 *Reports and Statements; Filing Date.*
- 18426 *Semi-Annual Statement Early Filing.*
- 18531.5 *Recall Elections.*

# Chapter 6

## Committee Report - Form 460

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Candidate controlled committees use the Recipient Committee Campaign Statement (Form 460) to report campaign activity for all semi-annual, special odd-year, preelection, and supplemental preelection statements.

The Form 460 also must be used by a primarily formed committee that has:

- Received contributions totaling \$100 or more in a calendar year from a single source;
- Received any other payment of \$100 or more;
- Outstanding loans received or made; or
- Accrued expenses (unpaid bills).

If the above criteria are not met by a primarily formed committee, it may use the Recipient Committee Campaign Statement – Short Form (Form 450), a simpler and shorter form. In addition, if a primarily formed committee has had no activity (no receipts and no expenditures, except for interest received and bank fees paid) during the reporting period, it may file a Semi-Annual Statement of No Activity (Form 425).

This chapter discusses how to complete Form 460. Examples are for a controlled committee. However, the same reporting obligations exist for primarily formed committees.



**Form 460  
Cover Page  
Part 2**

Type or print in ink.

COVER PAGE - PART 2  
**CALIFORNIA FORM 460**  
Page 2 of 13

**Recipient Committee Campaign Statement Cover Page — Part 2**

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**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
Megan Waters

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
Mayor, City of Playa del Sol

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
100 Sandburg Street Playa del Sol CA 95888

**Related Committees Not Included in this Statement:** List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME Waters for City Council	I.D. NUMBER 983924
NAME OF TREASURER Ben Rogers	CONTROLLED COMMITTEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX) 10 Parkway Plaza	
CITY STATE ZIP CODE AREA CODE/PHONE Playa del Sol CA 95888 555/333-5432	
COMMITTEE NAME N/A	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)	
CITY STATE ZIP CODE AREA CODE/PHONE	

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE  
N/A

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
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Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD DISTRICT NO. IF ANY

**7. Primarily Formed Candidate/Officeholder Committee** List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE N/A	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

*Attach continuation sheets if necessary*

(Form 410). If the committee has not received an identification number from the Secretary of State, enter “pending” in the “I.D. Number” box.

**Part 4: Verification**

The Form 460 is not considered filed if it is not signed. The committee treasurer or the assistant treasurer named on the committee’s Statement of Organization, Form 410, must review and sign the statement.

In addition, if an officeholder or candidate controls the committee, he or she also must sign the statement. If two or three officeholders or candidates control the committee, each must sign. If there are more than three officeholders or candidates controlling the committee, one may sign on behalf of the others.

**Part 5: Officeholder or Candidate Controlled Committee**

Provide the name of the officeholder or candidate controlling the committee and

indicate the office sought or held including the location and district number, if any. If the candidate controls other committees, including ballot measure committees, list those committees here. If you are aware of any primarily formed committees that exist to receive contributions or to make expenditures on behalf of the candidate controlling this committee, also list those committees. If more than one candidate controls the committee, copy Part 5 as many times as needed to include the required information for all controlling candidates.

**Part 6: Primarily Formed Ballot Measure Committee**

Controlled committees that are primarily formed to support or oppose a ballot measure must also complete this section.

**Part 7: Primarily Formed Candidate/Officeholder Committee**

Provide the name(s) of the officeholder(s) or candidate(s), the office(s) sought or held, and indicate whether the committee is

Chapter 6 — Committee Report - Form 460

**Form 460  
Summary  
Page**

<b>Campaign Disclosure Statement Summary Page</b>		Type or print in ink. Amounts may be rounded to whole dollars.	SUMMARY PAGE
SEE INSTRUCTIONS ON REVERSE		Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>	<b>CALIFORNIA FORM 460</b>
NAME OF FILER Committee to Elect Waters Mayor		Page <u>3</u> of <u>13</u>	I.D. NUMBER 1001234
<b>Contributions Received</b>		<b>Column A TOTAL FOR PERIOD (FROM ATTACHED SCHEDULES)</b>	<b>Column B CALENDAR YEAR TOTAL TO DATE</b>
1. Monetary Contributions ..... Schedule A, Line 3	\$ 5,799	\$ 85,799	<b>Calendar Year Summary for Candidates Running in Both the State Primary and General Elections</b>  1/1 through 6/30      7/1 to Date  20. Contributions Received \$ _____ \$ _____ 21. Expenditures Made \$ _____ \$ _____
2. Loans Received ..... Schedule B, Line 3	6,000	8,000	
3. SUBTOTAL CASH CONTRIBUTIONS ..... Add Lines 1 + 2	11,799	93,799	
4. Nonmonetary Contributions ..... Schedule C, Line 3	5,000	7,600	
5. TOTAL CONTRIBUTIONS RECEIVED ..... Add Lines 3 + 4	16,799	101,399	
<b>Expenditures Made</b>			<b>Expenditure Limit Summary for State Candidates</b>  22. Cumulative Expenditures Made* (if subject to voluntary Expenditure Limit)  Date of Election (mm/dd/yy)      Total to Date  / /      \$ _____  / /      \$ _____  *Amounts in this section may be different from amounts reported in Column B.
6. Payments Made ..... Schedule E, Line 4	28,900	45,000	
7. Loans Made ..... Schedule H, Line 3	400	400	
8. SUBTOTAL CASH PAYMENTS ..... Add Lines 6 + 7	29,300	45,400	
9. Accrued Expenses (Unpaid Bills) ..... Schedule F, Line 3	800	1,000	
10. Nonmonetary Adjustment ..... Schedule G, Line 3	5,000	7,600	
11. TOTAL EXPENDITURES MADE ..... Add Lines 8 + 9 + 10	35,100	54,000	
<b>Current Cash Statement</b>		To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).	
12. Beginning Cash Balance ..... Previous Summary Page, Line 16	62,300		
13. Cash Receipts ..... Column A, Line 3 above	11,799		
14. Miscellaneous Increases to Cash ..... Schedule I, Line 4	4,000		
15. Cash Payments ..... Column A, Line 8 above	29,300		
16. <b>ENDING CASH BALANCE</b> ..... Add Lines 12 + 13 + 14, then subtract Line 15 <i>If this is a termination statement, Line 16 must be zero.</i>	48,799		
17. LOAN GUARANTEES RECEIVED ..... Schedule B, Part 2	7,000		
<b>Cash Equivalents and Outstanding Debts</b>			
18. Cash Equivalents ..... See instructions on reverse	400		
19. Outstanding Debts ..... Add Line 2 + Line 9 in Column B above	9,000		

supporting or opposing the officeholder(s) or candidate(s).

**How to Complete the Summary Page**

The Summary Page lists the totals of all contributions received and expenditures made during the period covered by the statement and the cumulative amounts of contributions received and expenditures made during the calendar year.

**Column A**

This column reflects the totals found on the summaries located at the bottom of each schedule attached to the statement. If there is no activity to report on a particular schedule, place a zero on the appropriate line. Never leave a line in Column A blank.

**Column B**

Amounts shown on Lines 2, 7, and 9 of Column B are carried forward from year to

year (and statement to statement) until they are paid. If this is the first statement of the calendar year, this column should reflect the same totals as found in Column A, except for Lines 2, 3, 5, 7, 8, 9, and 11 (if applicable). Otherwise, Column B totals are calculated by adding the figures in Column B from the last statement filed with the figures found in Column A of the current statement. (Note: The amounts reported on Lines 2, 7, and 9 of Column B should be the same as the total outstanding amounts disclosed in column (d) of Schedules B, H, and F, respectively, of the current report.)

The figures in Column B reflect the cumulative amounts received since January 1 of the current calendar year.

The cumulation period for a statement is almost always a calendar year. An exception to calendar year cumulation applies if the committee is required to file a preelection statement in one year in connection with an

election held in another year, such as elections held in January or early February. When this happens, the cumulation period begins on January 1 of the year before the election and ends on the closing date of the semi-annual statement filed after the election.

#### **Lines 1-5**

Collectively, these lines represent contributions received: monetary, nonmonetary, and loans.

#### **Lines 6-11**

These lines together represent expenditures made: payments, loans made, accrued expenses (bills that are still outstanding), and nonmonetary adjustments.

#### **Lines 12-16**

The Current Cash Statement section should reflect the committee's actual cash condition at the end of the reporting period. If deposits or expenditures have been made that have not cleared the account, the committee's bank balance may not match the ending cash balance.

Do not deduct investments made with committee funds from Line 12 or Line 16 if the investment can be readily converted to cash; e.g., the purchase of certificates of deposit, shares in interest bearing accounts, or money market funds. Reflect the investment amounts in the total amount of cash available.

#### **Line 12**

Make sure that this figure is the same as the figure shown on Line 16 (Ending Cash Balance) of the most recently filed statement. If this is the first statement of the calendar year and no previous statement has been filed for this committee, but money was raised or spent in the previous reporting period that did not equal \$1,000 or more, enter the amount of cash on hand on December 31. Otherwise, enter zero.

#### **Line 13**

This figure represents the total of all monetary contributions and loans received during the reporting period. Nonmonetary contributions should not be included.

#### **Line 14**

This amount represents all items, such as interest on a bank account, that increase the cash position but are not considered contributions. The amount is carried forward from Schedule I, Miscellaneous Increases to Cash.

Together, Lines 13 and 14 reflect all the money that has been received during the current reporting period.

#### **Line 15**

This figure represents the total amount the committee has spent during the reporting period, including loans made and any accrued expenses paid.

#### **Line 16**

This amount represents the total of Lines 12, 13, and 14 minus Line 15. The amount reported on Line 16 must equal the total amount of cash the committee has in its campaign bank account and the amount of all funds held in interest bearing accounts, certificates of deposit, money market accounts, shares in government bonds, or any other investments that can be readily converted to cash.

If this is a termination statement, Line 16 must be zero.

#### **Line 17**

This figure is carried forward from Schedule B, Part 2. The amount represents the total of all loan guarantees, endorsements, or security received during the period.

### Line 18

This figure includes investments that cannot be readily converted to cash, as well as the balance due on all outstanding loans the committee has made to others.

Do not include any amount that is invested in interest bearing accounts, certificates of deposit, money market accounts, or any other investments that can be readily converted to cash. This amount should be part of the ending cash figure reported on Line 16.

### Line 19

Report the total of all money owed by the committee. Using Column B, add Line 2 (loans received) and Line 9 (accrued expenses).

### Lines 20, 21, & 22

These lines are for certain state candidates only.

### Answering Your Questions

- Q. *Is there any circumstance where Line 16, Ending Cash Balance, would show a negative amount?*
- A. If you report a negative amount on Line 16, this means that either you have made a mathematical error in your calculations or you are overdrawn at the bank. Rounding off also may cause a small negative in the cash on hand balance.
- Q. *Is there any circumstance where an amount in Column A would be negative?*
- A. Yes. As loans and accrued expenses are paid down, the amount reflected in Column A may be a negative amount.
- Q. *What should I do if I am unable to balance my accounting records by the filing deadline?*
- A. Because the Political Reform Act does not provide for deadline extensions, complete the form as accurately as you

can and file by the deadline. Then file an amended form as soon as possible.

### General Rules for Reporting Contributions Received

(See Chapter 2 for definitions and additional information about receiving contributions.)

#### \$5,000 Contributor – Major Donor Notice

If \$5,000 or more is received from one source in a calendar year, a “major donor” notice must be sent to the contributor. (See Chapter 2.) Do not send the notice if the contribution is from another recipient committee.

**Example** *Rails, Inc. made a \$5,000 contribution to your committee. Within two weeks of receiving the contribution, notify Rails, Inc. in writing that they must file as a major donor if they make any number of contributions totaling \$10,000 or more during the calendar year.*

#### Joint Checking Account

If a check is received that is imprinted with two individuals’ names, report the contribution as coming from the person who signed the check. However, if both signed the check, or one signed the check but both have signed an accompanying letter indicating that the contribution is from both, then report 50% of the contribution coming from the one individual and 50% coming from the other, unless the letter attributes specific amounts to each contributor. (See Chapter 2.)

#### Intermediary

If a contribution of \$100 or more is received from someone who is acting as an intermediary for the true source of the funds, disclose both the true source of the contribution and the intermediary. (See Chapter 2.)

**Example** Sarah Honey made a \$500 contribution to your committee and notified you that she would later be reimbursed by her employer, Hilltop Dairy. Your committee will report Hilltop Dairy, including its address and contributor code, as the source of the contribution and also disclose Sarah as the intermediary, providing her address, occupation, and employer.

### Aggregating Contributions

There are a variety of situations in which two or more contributions need to be aggregated for reporting. For instance, when an individual, who is the sole proprietor of a company, makes a contribution from company funds and another contribution from personal funds, these contributions are added together for reporting purposes. (See Chapter 2.)

There are special rules for “major donors” (usually these are individuals and business entities that make contributions totaling \$10,000 or more in a calendar year) when they make contributions that are subject to aggregation. The major donor must notify each committee to which it makes a contribution of the name under which the major donor is filing its report (Form 461). The recipient of the contribution must identify the name of the “filer” and the name of the contributor, if that is different than the name of the filer.

**Example** Temple Construction is a subsidiary of Temple Enterprises. Contributions made by the two entities must be aggregated and they qualify as a major donor. Your committee receives a contribution from Temple Construction. Temple Construction is required to notify you that its contribution is reported on a campaign statement filed under the name of Temple Enterprises. Your committee must identify both names on its report and, if you receive contributions from both entities, the

*contributions must be aggregated for purposes of reporting cumulative amounts.*

### Contributor Information

A contribution of \$100 or more must be returned to the contributor within 60 days of receipt if the contributor’s name, address, and, if the contributor is an individual, his or her occupation and employer are not in the committee’s records. Contributions may be deposited in the committee’s bank account pending receipt of the information, in which case they must be reported on the next campaign statement (Form 460) filed. The campaign statement must be amended within 70 days from its closing date to disclose the missing contributor information unless the contribution was returned to the donor. (See Chapter 1 for detailed information about returning contributions and recordkeeping requirements.)

### Reporting Cumulative Amounts

Contributions from the same source (including aggregated contributions) are cumulated from January 1 through December 31. When reporting the cumulative amount of contributions received from any one source, include all monetary and nonmonetary contributions, and loans (including loan guarantees) received by all committees controlled by the candidate. (Exception: Contributions received by controlled ballot measure committees are not cumulated with contributions received by the controlling candidate’s campaign committees.)

### Calendar Year Cumulation Exception

An exception to calendar year cumulation applies if the committee is required to file a preelection statement in one year in connection with an election held in another year, e.g., certain January/February elections. When this happens, the cumulation period begins on January 1 of the year before the election and ends on the

closing date of the semi-annual statement filed after the election.

### Returned Contributions

**Not Deposited:** A contribution need not be reported if it is returned to the contributor prior to depositing it in the campaign bank account and prior to the closing date of the campaign statement on which it would be reported. A late contribution is not required to be reported if it is not deposited, negotiated, or cashed and is returned to the contributor within 24 hours of receipt.

**Deposited, Negotiated, or Returned After Closing Date:** Contributions that have been deposited or negotiated, or which were not returned prior to the closing date of the campaign statement, are reported on Schedule A. If the contribution is returned within 30 days of receipt, and within the reporting period, the return may be shown as a negative figure on Schedule A. Otherwise, report the return of the contribution on Schedule E.

**Returned for Insufficient Funds:** If a check is returned from the bank for insufficient funds and the committee returns the check to the contributor during the same reporting period, both the receipt and the return of the contribution may be reported on Schedule A with the return shown as a negative amount. Otherwise, the return is reported on Schedule E.

### Transfers

Use Schedule I to report transfers of funds received from another committee controlled by the candidate.

### Enforceable Promises

If a contribution is received in the form of an “enforceable promise” that has not been paid during the period, report the contribution as a memo entry on Schedule A. An “enforceable promise” has been received when a contributor promises, in writing, to pay for

specific goods or services and, based on that promise, the committee expends funds or enters into a legally-enforceable contract with a vendor to purchase the goods or services. An “enforceable promise” has not been made if a person signs a pledge card or similar document, or agrees to make a contribution by installment payments through wire transfer, credit card transaction, debit account transaction, or similar electronic payment.

Disclose the date of the promise, all of the required information about the contributor, and the amount promised, but do not include the amount in the summary totals. When the contributor makes the actual payment, fully disclose the contribution on Schedule A, if the payment is made to the committee, or on Schedule C, if the contributor pays the vendor directly, and include the amount in the appropriate summary section.

### Installment Payments

Contributions may be received as installment payments made at regular intervals over a period of time via credit card, debit card, wire transfer, or similar electronic means. When a contributor authorizes a series of installment payments, the contribution is reported as received when the committee, or agent of the committee, obtains possession or control of the funds for each installment payment.

**Example** *Sandra Nickel informed your committee that she wanted to contribute a total of \$500, but would need to make the contribution in five payments of \$100 each month. On June 1, she provided you with her credit card information and authorized your committee to charge her account \$100 on that date and on the first of the next four months. Your committee has a statement due July 31 covering the period January 1 through June 30. Your campaign statement must itemize Sandra and report receipt of \$100 from her on June 1; the report would not include the future contributions.*

**Form 460  
Schedule A**

Schedule A Monetary Contributions Received		Type or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		SCHEDULE A CALIFORNIA FORM <b>460</b> Page <u>4</u> of <u>13</u> I.D. NUMBER 1001234	
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.C. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)	
7/14	Rails, Inc. 500 North 12th Street Golden Valley, CA 95892	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$5,000	\$5,000		
7/16	Hilltop Dairy 589 Milky Way Playa del Sol, CA 95888	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$500	\$500		
	Intermediary: Sarah Honey 614 C Street Playa del Sol, CA 95888	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Bookkeeper, Hilltop Dairy				
8/10	Waldo Murphy 423 Sandy Beach Drive Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Sales Manager, Rails, Inc.	\$99	\$124		
8/12	Linda Gutierrez 120 South B Street Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Requested	\$200	\$200		
<b>SUBTOTAL \$</b>				<b>5,799</b>			

Schedule A Summary	
1. Amount received this period – itemized monetary contributions. (Include all Schedule A subtotals.)	\$ 5,799
2. Amount received this period – unitemized monetary contributions of less than \$100	\$ -0-
3. Total monetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.)	<b>TOTAL \$ 5,799</b>

\*Contributor Codes  
 IND – Individual  
 COM – Recipient Committee (other than PTY or SCC)  
 OTH – Other (e.g., business entity)  
 PTY – Political Party  
 SCC – Small Contributor Committee

**How to Complete Schedule A  
Monetary Contributions Received**

Report monetary contributions received by the committee on Schedule A, except for loans (reported on Schedule B), receipt of repayments for loans made (reported on Schedule H), and miscellaneous receipts (reported on Schedule I).

**Date Received**

List the date the committee obtained possession or control of the contribution. For instance, report the date the check was received, which may differ from the date on the check or the date the check was deposited. For contributions received by electronic transaction (such as credit card, debit account, or wire transfer, including those received over the Internet), report the date the committee received or had control of the credit/debit account information or other payment information, or the date the

committee received or had control of the funds, whichever is earlier.

**Contributor Information**

Itemize persons and organizations that have contributed a cumulative amount of \$100 or more during the calendar year. Provide each contributor’s name, street address, city, state, and zip code. Remember to maintain the names and addresses of contributors of \$25 or more in your records. (See Chapter 1.)

**Example** *Waldo Murphy contributed \$25 during the year’s first reporting period. On your committee’s first report for the year, Waldo was not itemized. During the second reporting period, you received a \$99 contribution from Waldo. Itemize Waldo on this report, providing his occupation and employer information, reporting \$99 as received “this period” and reporting a “cumulative amount” of \$124.*

### Contributor Codes

For each itemized contributor, check the box indicating whether the contributor is an individual, a committee, or other (such as a business entity), or a political party. (The code “SCC” is applicable only to state candidates and committees.)

### Occupation and Employer, I.D. Number, and Intermediary Information

If the contributor is an individual, provide the individual’s occupation and employer, or, if self-employed, provide the name of the business. Do not leave this blank. If this information has not been obtained, put “requested” or similar language in this column and amend Schedule A when the information has been received.

Contributions of \$100 or more must be returned within 60 days of receipt if this information is not obtained. (See Chapter 1.)

If the contributor is a recipient committee, report that committee’s identification number. If the identification number has not yet been assigned or is unknown, report the full name, street address, city, state, and zip code of that committee’s treasurer.

If a contribution is received through an intermediary, provide the name, street address, city, state, zip code, and, if applicable, occupation and employer of both the intermediary and the true source of the contribution.

### Amount

Report the amount of the contribution.

### Cumulative to Date

Contributions from a single source are cumulated from January 1 through December 31. The amount listed in the “Cumulative to Date-Calendar Year” column will differ from the “Amount Received This Period” column if the committee has received other contributions, including nonmonetary

contributions, loans, or loan guarantees from this same source during the year. There is an exception to calendar year cumulation if the committee is required to file a preelection statement in one year in connection with an election held in another year, e.g., certain January/February elections. When this happens, the cumulation period begins on January 1 of the year before the election and ends on the closing date of the semi-annual statement filed after the election.

### Per Election to Date

Candidates subject to local contribution limits may be required to disclose the cumulative amount received from each contributor during a specified period. Check with the local filing officer to see what reporting obligations are required under local law.

### Schedule A Summary

Complete the summary section of each schedule after completing the corresponding schedule. Each summary provides detailed instructions for every line.

### Answering Your Questions

- Q. *I plan to contribute to my own campaign. May I be reimbursed later if there is money left after my election?*
- A. It is recommended that you report the contributions as loans on Schedule B, Part 1.
- Q. *I received a contribution of \$75 this period from someone who contributed \$50 earlier this year. I itemized the \$75 contribution on Schedule A. Should the \$75 be included on Line 1 or 2 of the Schedule A summary?*
- A. All itemized contributions (including contributions under \$100 that are itemized because the contributor’s cumulative total is \$100 or more) are totaled on Line 1 of the schedule summary. Only unitemized contributions

are included on Line 2 of the schedule summary.

### **Schedule B—Loans Received**

Use Schedule B to report activity on loans received by the committee. Outstanding loans are reported on each campaign statement until they are paid. Schedule B has two parts:

- Part 1 lists loans received or outstanding, and the repayment, forgiveness, or payment by a third party of a loan previously received.
- Part 2 lists information on loan guarantors.

### **Lines of Credit**

If a third party establishes a line of credit for the committee, report the full amount of the credit as a loan guarantee on the next campaign statement. Include the date, full name and address of the lender and a note stating the credit amount. When the committee draws from the line, report the amount drawn on Schedule B, Part 1.

**Form 460  
Schedule B  
Part 1**

Schedule B – Part 1 Loans Received		Type or print in ink. Amounts may be rounded to whole dollars.				Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		CALIFORNIA FORM <b>460</b>	
SEE INSTRUCTIONS ON REVERSE								Page <u>5</u> of <u>13</u>	I.D. NUMBER <b>1001234</b>
NAME OF FILER <b>Committee to Elect Waters Mayor</b>									
FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE	
Beach City Bank 300 10th Street Beach City, CA 95823  <small><input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC</small>		\$ - 0 -	\$ 7,000	<input type="checkbox"/> PAID \$ - 0 - <input type="checkbox"/> FORGIVEN \$ - 0 -	\$ 7,000  10/1/XX DATE DUE	\$ 5 RATE \$ 100 DATE INCURRED	\$ 7,000	CALENDAR YEAR \$ N/A PER ELECTION** \$	
Megan Waters 100 Sandburg Street Playa del Sol, CA 95888  <small><input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC</small>	Realtor, Waters Realty	\$ 2,000	\$ - 0 -	<input checked="" type="checkbox"/> PAID \$ 1,000 <input type="checkbox"/> FORGIVEN \$ - 0 -	\$ 1,000  N/A DATE DUE	\$ - 0 - RATE \$ - 0 - DATE INCURRED	\$ 2,000	CALENDAR YEAR \$ 2,000 PER ELECTION** \$	
<b>SUBTOTALS</b>		\$ 7,000	\$ 1,000	\$ 8,000	\$ 100				

**Schedule B Summary** (Enter (a) on Schedule E, Line 3)

1. Loans received this period ..... \$ 7,000  
(Total Column (b) plus unitemized loans of less than \$100.)

2. Loans paid or forgiven this period ..... \$ 1,000  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)

3. Net change this period. (Subtract Line 2 from Line 1.) ..... **NET** \$ 6,000  
Enter the net here and on the Summary Page, Column A, Line 2. (May be a negative number)

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

**Contributor Codes**  
IND – Individual  
COM – Recipient Committee  
(other than PTY or SCC)  
OTH – Other (e.g., business entity)  
PTY – Political Party  
SCC – Small Contributor Committee

**How to Complete Schedule B – Part 1  
Loans Received**

**Lender Information**

Provide the name, street address, city, state, and zip code of each lender of \$100 or more.

**Financial Institution**

If a financial institution, such as a bank, has loaned the committee money or the committee has drawn on a line of credit, report the institution as the lender by listing its name and address, including zip code. Even if the candidate has established the line of credit, report the institution as the lender.

**Individual**

If the lender is an individual, also provide the individual’s occupation and employer. Do not leave this column blank. If the contributor is self-employed, provide the name of the business. If this information has not been obtained, put “requested” or similar language in this column and amend Schedule B, Part 1 later. (See Chapter 1 for

restrictions on contributions received when the name, address, occupation, or employer information is missing.)

**Officeholder/Candidate**

Officeholders and candidates depositing their personal funds in the campaign account to assist in their own elections may report the funds as a loan on Schedule B.

**Contributor Codes**

For each itemized lender, check the box indicating whether the lender is an individual, committee, other (such as a business entity), or a political party. (SCC is applicable only to state candidates and committees.)

**Quick TIP** Report each loan separately, even if the committee has received more than one loan from a single source.

**(a) Outstanding Balance Beginning This Period**

Enter the outstanding loan balance at the beginning of this reporting period (Column

(d) of the last report filed). If the loan was received this period, enter zero or leave Column (a) blank.

**(b) Amount Received This Period**

Enter the amount received from the lender during this reporting period. If this loan was received in a previous reporting period, enter zero or leave Column (b) blank.

**(c) Amount Paid or Forgiven This Period**

Enter the amount of any reduction of the loan during this reporting period. Check whether the reduction was a payment or forgiveness. When the lender forgives all or part of a loan, or a third party makes a payment on a loan, also report the lender or third party on Schedule A. Enter zero or leave this column blank if no payments were made this reporting period.

**(d) Outstanding Balance at Close of This Period**

Enter the outstanding balance of the loan at the close of this reporting period. Enter the due date, if any.

**(e) Interest Paid This Period**

Enter the interest rate and the amount of interest paid on the loan(s) during this reporting period. If the lender is not charging interest, indicate “none” on the “interest rate” line. Interest paid is reported separately from payments made on the loan principal. Interest payments are also transferred to the Schedule E Summary.

**(f) Original Amount of Loan**

Enter the original amount of the loan and the date it was received. If this is the first time the loan is being reported, this is the same amount as reported in Column (b).

**(g) Cumulative Contributions to Date**

Enter the cumulative amount of contributions (including loans, loan guarantees, monetary and nonmonetary contributions) received

from the lender during the calendar year covered by this statement.

Candidates subject to local contribution limits may be required to disclose the cumulative amount received from each contributor during a specific period. Check with the local filing officer to see what reporting obligations are required under local law. Primarily formed committees do not complete this part.

When a loan is repaid, the cumulative amount may be reduced by the amount repaid.

A loan is a contribution unless it is received from a commercial lending institution in the ordinary course of business. It is not necessary to disclose cumulative amounts for loans that are not contributions.

**Schedule B Summary**

As loans are paid, Line 3 of the summary section of Schedule B will eventually be a negative amount. When transferring a negative figure from Line 3 to the Summary Page, Column A, Line 2, be sure to subtract the amount from the previous report, Column B, Line 2, to determine the figure for this report's Column B, Line 2.

**Form 460  
Schedule B  
Part 2**

Schedule B – Part 2 Loan Guarantors		Type or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		SCHEDULE B - PART 2 CALIFORNIA FORM <b>460</b> Page <u>6</u> of <u>13</u> I.D. NUMBER 1001234	
SEE INSTRUCTIONS ON REVERSE							
NAME OF FILER Committee to Elect Waters Mayor							
FULL NAME, STREET ADDRESS AND ZIP CODE OF GUARANTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	LOAN	AMOUNT GUARANTEED THIS PERIOD	CUMULATIVE TO DATE	BALANCE OUTSTANDING TO DATE	
Wayne McNamara 1620 H Street Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Teacher, Beach Unified School District	LENDER <u>Beach City Bank</u> DATE <u>7/11/XX</u>	\$7,000	CALENDAR YEAR \$ <u>7,000</u> PER ELECTION (IF REQUIRED) \$ _____	\$7,000	
<b>SUBTOTAL \$</b>				<b>7,000</b>	Enter on Summary Page, Line 17 only		

**How to Complete Schedule B – Part 2  
Loan Guarantors**

**Guarantor Information**

If someone other than the controlling candidate guarantees, co-signs, endorses, or provides security for a loan of \$100 or more, enter the name and address of the guarantor and, if the guarantor is an individual, his or her occupation and employer, or if self-employed, the name of the business.

**Contributor Codes**

For each itemized guarantor, check the box indicating whether the guarantor is an individual, committee, other (such as a business entity), or a political party. (The code “SCC” is applicable only to state candidates and committees.)

**Loan**

Enter the name of the lender or the entity at which a line of credit was established and the date of the loan or the date the line of credit was established.

**Amount Guaranteed This Period**

Enter the amount guaranteed this period, if applicable. For lines of credit, enter the full amount established or secured by the guarantor during the period. (Report amounts drawn on a line of credit on Schedule B — Part 1.)

**Cumulative to Date**

Enter the cumulative amount of contributions (including loans, loan guarantees, monetary and nonmonetary contributions) received by the guarantor during the calendar year covered by the statement.

**Per Election to Date**

Candidates subject to local contribution limits may be required to disclose the cumulative amount received from each contributor during a specific period. Check with the local filing officer to see what reporting obligations are required under local law. Primarily formed committees do not complete this part.

**Balance Outstanding to Date**

Report the outstanding balance for which the guarantor is liable at the close of this reporting period.

**Quick TIP** Loan guarantees are not included in the Schedule B Summary, but are carried forward in a lump sum to Line 17 of the Summary Page.

**Form 460  
Schedule C**

Schedule C Nonmonetary Contributions Received		Type or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		SCHEDULE C CALIFORNIA FORM <b>460</b> Page <u>7</u> of <u>13</u> I.D. NUMBER <u>1001234</u>	
SEE INSTRUCTIONS ON REVERSE NAME OF FILER <b>Committee to Elect Waters Mayor</b>							
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
8/17	Seaside TV Sales 420 16th Street Playa del Sol, CA 95888	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		Television donated for auction	\$1,000	\$1,000	
7/1 thru 9/15	Transit Workers Union 1660 T Street Sacramento, CA 95816 ID #1003221	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		Employee Compensation	\$4,000	\$4,000	
Attach additional information on appropriately labeled continuation sheets.					<b>SUBTOTAL \$</b>	<b>5,000</b>	
<b>Schedule C Summary</b>							
1. Amount received this period – itemized nonmonetary contributions. (Include all Schedule C subtotals.)					\$	<b>5,000</b>	
2. Amount received this period – unitemized nonmonetary contributions of less than \$100					\$	<b>-0-</b>	
3. Total nonmonetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.)					<b>TOTAL \$</b>	<b>5,000</b>	

**How to Complete Schedule C  
Nonmonetary Contributions Received**

Use Schedule C to report nonmonetary contributions received by the committee. Nonmonetary contributions are goods or services provided to the committee for which it does not pay the fair market value.

The fair market value is the amount the committee would pay for the goods or services on the open market; whatever it would cost any member of the general public to obtain the same good or service. (See Chapter 2 for assistance in determining the fair market value of a nonmonetary contribution.)

**Example** *Seaside TV Sales donated a television to your committee. The cost to Seaside TV for the television was \$500. Because it would have cost your committee \$1,000 to purchase the TV at fair market value, the nonmonetary contribution from Seaside TV Sales is \$1,000.*

**Examples of Nonmonetary Contributions**

- Items donated for a garage sale, raffle, or auction.
- Signs, postage, and printing.

- Food and entertainment provided for a fundraiser.
- Use of office space, an automobile, or airplane.
- Discounts or rebates that are not extended to the general public.
- Mailing lists, mailings, and other advertising.
- Compensation paid by an employer to an employee who spends more than 10% of his or her compensated time in a calendar month working on behalf of a committee. Compensation includes gross wages paid and any benefits in lieu of wages, such as stock options or an annuity purchase. Compensation does not include routine fringe benefits, such as the employer's payments to a health plan or payroll taxes.
- Forgiveness of an accrued expense by the creditor.

(See Chapters 2 and 3 for exceptions, such as volunteer personal services, home/office fundraisers, and member communications.)

**Date Received**

A nonmonetary contribution is received on the earlier of the following:

- The date that funds are spent by the contributor; or
- The date the candidate or committee obtains possession or control of the goods or services, or receives the benefit of the expenditure.

**Example** *A PAC, in coordination with your committee, printed a brochure advocating your candidate's election. The PAC delivered the brochures to your headquarters on February 22 and paid the bill for the printing on March 15. Your committee received the nonmonetary contribution on February 22.*

### **Contributor Information, Occupation/ Employer, and Amount Columns**

Itemize contributors of \$100 or more. If the contributor is an individual, provide occupation and employer information in addition to the contributor's name, street address, city, state, and zip code, the amount received this period, and the cumulative amount to date. (See Chapter 1 for restrictions on contributions received when the name, address, occupation, or employer information is missing.)

### **Contributor Codes**

For each itemized contributor, check the box indicating whether the contributor is an individual, committee, other (such as a business entity), or a political party. (The code "SCC" is applicable only to state candidates and committees.)

### **Description of Goods or Services**

Provide a brief description of the goods or services received.

### **Amount/Fair Market Value**

Report the value of the nonmonetary contribution received. (See Chapter 2 for assistance in determining the fair market value of a nonmonetary contribution.)

### **Cumulative to Date**

Enter the cumulative amount of contributions (including loans, loan guarantees, monetary and nonmonetary contributions) received from the contributor during the calendar year covered by the statement.

### **Per Election to Date**

Candidates subject to local contribution limits may be required to disclose the cumulative amount received from each contributor during a specified period. Check with the local filing officer to see what reporting obligations are required under local law.

### **Schedule C Summary**

The total of nonmonetary contributions reported on Line 3, Schedule C summary section, is reported on the Form 460 Summary Page as both a contribution (Line 4, Column A) and an expenditure (Line 10, Column A).

### **Answering Your Questions**

- Q. *What is the value of the time provided by a graphic artist who volunteers to design a logo for your committee?*
- A. The artist's time is not reportable because it constitutes volunteer personal services. However, if the artist is an employee of a business and spends more than 10% of his or her compensated time in a calendar month working on the design, the paid compensation becomes a nonmonetary contribution from the artist's employer.
- Q. *How do I determine the fair market value of a mailing list provided by another committee?*
- A. The most common way to determine the value is to contact a business from which similar mailing lists can be obtained.

### **Schedule D – Expenditures Supporting/ Opposing Other Candidates, Measures, and Committees**

Schedule D is a summary of payments reported on Schedules E, F, and H that are contributions or independent expenditures to support or oppose other candidates, measures, and committees. Types of expenditures include:

- A monetary contribution or loan to another candidate or committee.
- A payment to a vendor for goods or services for a candidate or committee (a nonmonetary contribution).
- A donation to a candidate or committee of goods on hand, or the payment of salary or expenses for a campaign employee who spends more than 10% of his or her compensated time in a calendar month working for another candidate or committee.
- A payment for a communication (e.g., a mailing, billboard, radio ad) that expressly advocates the election/passage or defeat of a clearly-identified candidate or ballot measure, but the payment is not made to, or at the behest of, the candidate or ballot measure committee. (See Chapter 3 regarding independent expenditures.)

 **Quick TIP** Candidates are prohibited from using campaign funds to make independent expenditures in support of or opposition to another candidate. If a primarily formed committee makes independent expenditures supporting or opposing a candidate it is not primarily formed to support or oppose, or a ballot measure, it may qualify as a different type of committee. Contact the FPPC toll-free at (866) 275-3772 for more information.

### **Controlled Committees**

Do not report payments made to support the controlling candidate's own candidacy, or to

oppose the candidate's opponent(s), on Schedule D. Use Schedule E instead.

### **Primarily Formed Committees**

Payments made to support or oppose the candidate for which the committee is primarily formed may be reportable on Schedule D as either contributions or independent expenditures, depending on whether the payments were made at the behest of the candidate. (See Chapter 3 and Appendix 1.)

**Form 460  
Schedule D**

Schedule D Summary of Expenditures Supporting/Opposing Other Candidates, Measures and Committees						SCHEDULE D CALIFORNIA FORM <b>460</b>	
SEE INSTRUCTIONS ON REVERSE						Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>	
NAME OF FILER Committee to Elect Waters Mayor						Page <u>8</u> of <u>13</u>	
						I.D. NUMBER 1001234	
DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)	
8/3	Committee to Support Bike Lanes Yes on Measure C City of Playa del Sol <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure		\$100	\$500		
8/12	Committee to Support Bike Lanes Yes on Measure C City of Playa del Sol <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	Loan	\$400	\$500		
<b>SUBTOTAL \$</b>				<b>500</b>			
<b>Schedule D Summary</b>							
1. Itemized contributions and independent expenditures made this period. (Include all Schedule D subtotals.)						\$ 500	
2. Unitemized contributions and independent expenditures made this period of under \$100						\$ -0-	
3. Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.)						<b>TOTAL \$ 500</b>	

**How to Complete Schedule D  
Summary of Expenditures Supporting/  
Opposing Other Candidates,  
Measures and Committees**

**Date**

Report the date the contribution or independent expenditure was made. A monetary contribution is made on the date it is mailed, delivered, or otherwise transmitted to the officeholder, candidate, or committee.

A nonmonetary contribution is made on the earlier of the following:

- The date an expenditure is made for the goods or services; or
- The date the candidate or committee receiving the contribution, or an agent, obtains possession or control of the goods or services.

**Example** *Your committee, working on behalf of Friends of the Forest, arranges for the mailing of a campaign piece supporting their issue. The mailer is sent to voters directly from the mail house on September 4. On September 6, the mail house submits to you an invoice for payment.*

*Your committee made a nonmonetary contribution to Friends on September 4 (the date Friends received the benefit of the expenditure).*

An independent expenditure is made on the earlier of the following:

- The date the payment is made; or
- The date the committee making the payment receives consideration in exchange for the expenditure(s) (e.g., when the advertisement appears).

The payment for a communication which is never transmitted is not an independent expenditure and need not be reported on Schedule D. Report the expenditure on Schedule E.

**Candidate and Office, Measure and Jurisdiction, or Committee**

If a total of \$100 or more is contributed or expended during a calendar year to support or oppose a single candidate, ballot measure, or a general purpose committee (e.g., a political party), disclose the name of the candidate and the office sought or held,

the number or letter and jurisdiction of the ballot measure, or the name of the general purpose committee. For each candidate or measure listed, indicate whether the payment was made to support or oppose the candidate or measure.

### Type of Payment

Check one of the boxes indicating the type of payment. If the payment is a nonmonetary contribution, provide a description of the payment.

### Amount This Period

Provide the amount(s) of contributions or independent expenditures made this period relative to each candidate, measure, or committee.

**Example** *Committee to Elect Waters for Mayor made a \$100 contribution to Committee to Support Bike Lanes, Yes on Measure C on October 3. In addition to reporting it on Schedule D, the expenditure is also reported on Schedule E.*

### Cumulative to Date Calendar Year

Report the cumulative amount contributed to or expended to support or oppose each itemized candidate, ballot measure, or committee since January 1 of the current calendar year.

If contributions are made to more than one election committee controlled by the same candidate, report the total amount contributed to all of the committees. Do not cumulate contributions made to a candidate and to that candidate's controlled ballot measure committee, and do not cumulate independent expenditures and contributions made to support a candidate.

**Example** *Tyson Tribe has two committees: one for his 2004 election to the city council, and one to raise funds for reelection in 2008. If your committee*

*contributes to both, the amounts you contribute are cumulated on Schedule D.*

### Per Election to Date

A local ordinance may require committees in that jurisdiction to report the cumulative amount contributed to a local candidate during a specified period. The filing officer, such as the city clerk or county registrar, should have the information. In addition, if contributions were made to state candidates of \$100 or more during a state election cycle, the cumulative amount contributed during the election cycle is reported in this column.

### Contribution of Goods Where No Payment Is Made

If goods on hand are contributed to another candidate or committee (e.g., paper, copier), describe the goods or services in the "Description" column, and disclose the fair market value of the contribution.

If, during a calendar year, an officeholder or candidate uses **personal** funds to make contributions of \$10,000 or more, or independent expenditures of \$1,000 or more, to support or oppose **other** officeholders, candidates, committees, or ballot measures (including a controlled ballot measure committee), the candidate must file a Major Donor and Independent Expenditure Committee Campaign Statement (Form 461). These payments are not reported on Schedule D. (See the FPPC's Information Manual for Major Donor and Independent Expenditure Committees for reporting information.)

### Answering Your Questions

Q. *Must a candidate file Form 461 (Major Donor and Independent Expenditure Committee Campaign Statement) if he or she makes personal contributions to his or her controlled campaign committee of \$10,000 or more?*

A. No.

Q. *Must the spouse of a candidate file Form 461 if he or she makes personal contributions to his or her spouse's campaign of \$10,000 or more?*

A. If the spouse makes contributions from community funds, the spouse is not required to file as a major donor on Form 461. If the spouse makes contributions from legally separate funds, Form 461 is required.

Q. *Must a candidate file Form 461 if he or she makes personal contributions to his or her controlled **ballot measure committee** of \$10,000 or more?*

A. Yes.

Q. *Must a candidate file Form 461 if he or she makes personal contributions to other candidates and committees which total less than \$10,000, and makes contributions to his or her own committee, and all contributions combined equal \$10,000 or more?*

A. No.

### **Schedule E – Payments Made and Schedule F – Accrued Expenses (Unpaid Bills)**

An expenditure is “made” on the date the payment is made or the date the committee receives the goods or services, whichever is earlier. Expenditures of campaign funds must have a political, legislative, or governmental purpose. (See Chapter 9.)

Use Schedule E to report money spent by the committee during the reporting period. Do not use Schedule E to report the repayment of loans received; use Schedule B, Part 1 instead. Also, do not use Schedule E when reporting loans made to other candidates, officeholders, and committees; use Schedule H instead.

Use Schedule F to report amounts owed by the committee for goods or services received

but not paid for by the end of the reporting period.

**(Example)** *During October and November, you:*

(a) *Paid a deposit on a room for a fundraiser to be held January 10;*

(b) *Ordered and received the fundraiser invitations for which you were billed but had not made a payment by December 31; and*

(c) *Ordered, but did not receive, flowers for the fundraiser for which you will be billed at the end of January.*

*On your semi-annual statement covering the period ending December 31, report the payment for the room deposit on Schedule E. Because you received the invitations but had not paid for them by December 31, disclose the outstanding amount on Schedule F. The cost of the flowers will not be reported until the next reporting period because you did not pay for nor receive the flowers during the period covered by the statement.*

Unpaid administrative overhead expenses of the committee, such as rent, utilities, phones, or employee salaries, need not be reported on Schedule F if the committee has not received a bill in the normal course of business or if the due date for the payment is after the closing date of the statement. Regular administrative overhead does not include contracts for services such as accounting, legal, campaign consulting, and public relations.

**(Example)** *On June 15, your committee received two bills for June services. One bill was from an outside accounting firm and the other was for office rent. The due date for both invoices is July 15. If, on June 30, the committee has not paid the two bills, the bill from the outside accounting firm is reported on Schedule F as*

*an accrued expense on your semi-annual statement; the rent bill, however, is not.*

## **General Rules**

### **Information Required**

Itemize each payment or accrued expense of \$100 or more to a single payee, and any payments totaling \$100 or more for a single product or service made during the period.

If the committee has entered into an agreement to make payments over time for a product or service, other than general administrative expenses such as rent and utilities, the unpaid balance may be reportable on Schedule F as an accrued expense.

### **Savings Accounts/Certificates of Deposit/ Money Market Accounts**

Do not report on Schedule E the transfer of campaign funds into a savings account, certificate of deposit, money market account, or the purchase of any other asset that can be readily converted to cash. Report these amounts as cash on hand on the Summary Page, Line 16.

### **Transfers**

Report transfers of funds to another committee controlled by the candidate on Schedule E. There are restrictions on transfers of surplus funds (see Chapter 9) and on transfers of funds to run for state office. See FPPC's Information Manual for State Candidates (Manual 1).

### **Contributions and Independent Expenditures**

If the committee makes contributions and/or independent expenditures to support or oppose other candidates, officeholders, or committees, in addition to reporting the payments or accrued expenses on Schedule E or F, complete Schedule D. For payments made for goods or services that are

nonmonetary contributions or independent expenditures, also identify the candidate, committee, or ballot measure supported or opposed by the expenditure in the "Description of Payment" column on Schedule E or F.

When a primarily formed committee makes a payment for a communication that expressly advocates support for the candidate for whom the committee is formed, the payment is reported as a contribution or independent expenditure. As discussed in Chapter 3, that determination is a factual one depending on whether the payment was made at the behest of the candidate. Refer to Supplemental Independent Expenditure Report (Form 465) and Late Independent Expenditure Report (Form 496) for further reporting instructions.

If a primarily formed committee makes contributions (including loans) or independent expenditures to support or oppose other candidates, officeholders, committees, or ballot measures, it may qualify as another type of committee, e.g., a general purpose committee, which has different disclosure obligations. Call the FPPC toll-free at (866) 275-3772 for assistance.

### **Subvendor Payments**

Whenever an agent or independent contractor (such as a campaign worker, consulting firm, or advertising agency) makes an expenditure, or incurs a debt, of \$500 or more on behalf of the committee, the expenditure must be reported in the same detail as if it had been made directly by the committee. These are commonly known as "subvendor payments." Following are some examples of the types of subvendor payments that must be itemized. The committee also must obtain and keep receipts, invoices, and other documentation of subvendor payments. (See Chapter 1.)

- Development of campaign strategy;
- Design or management of campaign literature or advertising;
- Advertising time or space; and
- Surveys, polls, signature gathering, and door-to-door solicitation of voters.

Agents and independent contractors must provide the committee with the required payment information **no later than** three working days prior to when the campaign statement must be filed (or within 24 hours for a late contribution or a late independent expenditure). Expenditures made by the agent or independent contractor for its own overhead and operating expenses need not be itemized.

In many cases, funds paid to an agent or independent contractor in one reporting period will not be used by the agent or contractor until a subsequent reporting period. Report payments to the agent/contractor on Schedule E of the campaign statement covering the period in which the payment was made. When the agent/contractor spends the money, report subvendor payments on the campaign statement covering the period in which the agent/contractor made the expenditures; itemize payments made by the agent/contractor of \$500 or more.

Subvendor payments are most commonly reported on Schedule G, but may be reported on Schedule E or F along with the payment made or owed to the agent/contractor. When itemizing subvendor payments on Schedule E or F, do not include the payments in the “Amount Paid” column, as this will inflate expenditure totals.

**(Example)** *An agent purchased \$535 worth of flowers, \$250 worth of postage, and \$100 worth of balloons for a fundraiser. Itemize the agent’s name and address on Schedule E (or Schedule F if the*

*agent was not reimbursed during the reporting period), provide a code or a description of the expenditures, and the amount being reimbursed: \$885. In addition, on Schedule G, itemize the name and address of the florist, enter the code FND or provide a description of the expenditure, and the amount paid to the florist: \$535.*

### **Credit Card Payments**

When reporting payments to a credit card company, report the name, street address, city, state, zip code, and the amount of payment. In addition, provide the name, street address, city, state, and zip code of any vendor that received \$100 or more, the amount paid to each vendor itemized, and a code or description of the payment. If a payment on the credit card has not been made by the end of the reporting period, or only partial payment has been made, report the amount outstanding to the credit card company on Schedule F. Payments to the credit card company should be reflected on Schedule E, when payments are made, and Schedule F, when there is a balance still owing at the end of the reporting period. Vendors are not required to be listed more than one time.

**(Example)** *Sandra’s committee for city council used the campaign credit card on December 28 at two different vendors to purchase office supplies and to have invitations to a fundraiser printed. The printing job cost \$560, while the office supplies were under \$100. Since the committee did not make a payment on the credit card by December 31, the end of the reporting period, the amount owed is reported on Schedule F. In addition to the total amount owed to the financial institution that issued the credit card, the committee also itemizes the printer, since the amount owed is \$100 or more. The committee will report payments it makes to the financial institution, but does not reitemize any vendors.*

### **Contingency Payments**

If the committee has entered into an agreement to pay a contingency fee, such as a bonus to a consultant if the campaign is successful, report the fee amount on Schedule F only if it is outstanding at the end of the campaign. The fee is not required to be reported as an accrued expense until it is due.

### **Controlled Committee – Reimbursements Candidates**

Candidates may not use their personal funds for campaign expenses (except for filing and ballot statement fees) without first depositing them into the campaign bank account.

### **Volunteers, Employees, Agents and Contractors**

Volunteers (including a candidate's spouse), employees, and agents or independent contractors, e.g., a consultant or an advertising agent, may be reimbursed for goods, services, or travel expenses when the following criteria are met:

- The treasurer is provided with a dated receipt and a written description of each expenditure prior to reimbursement;
- The reimbursement is paid within 45 calendar days after the expenditures are made; and
- There is a written contract between the committee and the agent/independent contractor providing for the reimbursement of expenditures. (Volunteers and employees do not need a written contract.)

If the reimbursement does not occur within 45 calendar days, the expenditure is considered a nonmonetary contribution from the volunteer, paid employee, or agent/independent contractor, unless the person seeking reimbursement has made a good faith effort to obtain reimbursement and is unable to collect from the committee.

### **Officeholders**

Officeholders may be reimbursed for expenses related to holding office paid for from personal funds when the following criteria are met. (See Chapter 9.)

- The officeholder provides the committee's treasurer with a dated receipt and a written description of the expenditure; and
- Reimbursement occurs:
  - For a monetary expenditure: Within 90 calendar days after the officeholder incurs the expense.
  - For a credit card or charge account: Within 90 calendar days of the end of the billing period.

If the reimbursement does not occur within the 90-day period, the amount must be reported as a nonmonetary contribution from the officeholder to the committee and no reimbursement may occur.

An officeholder may be reimbursed from either the controlled committee campaign bank account established for election to the incumbent term of office, or from a controlled committee bank account established for a different election to the same office, if all of the conditions mentioned above are met. When reporting reimbursements to the officeholder, subvendor payments of \$100 or more must be itemized.

**Form 460  
Schedule E**

<b>Schedule E Payments Made</b>		Type or print in ink. Amounts may be rounded to whole dollars.	Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>	<b>SCHEDULE E CALIFORNIA FORM 460</b>  Page <u>9</u> of <u>13</u>  I.D. NUMBER <u>1001234</u>
SEE INSTRUCTIONS ON REVERSE				
NAME OF FILER <b>Committee to Elect Waters Mayor</b>				
<b>CODES:</b> If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.				
CMP campaign paraphernalia/misc. CNS campaign consultants CTB contribution (explain non-monetary)* CVC civic donations FL candidate filing/balot fees FND fundraising events IND independent expenditure supporting/opposing; others (explain)* LEG legal defense LIT campaign literature and mailings	MCR member communications MTG meetings and appearances OFC office expenses PET petition circulating PHO phone banks POL polling and survey/research POS postage, delivery and messenger services PRO professional services (legal, accounting) PRT print ads	RAD radio airtime and production costs RFD returned contributions SAL campaign workers' salaries TEL t.v. or cable airtime and production costs THC candidate travel, lodging, and meals TIS staff/expense travel, lodging, and meals TSF transfer between committees of the same candidate/sponsor VOT voter registration WEB information technology costs (internet, e-mail)		
NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER ID NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
California Credit Union (Mastercard) 544 So. Oak Street Sun City, CA 95886				\$12,500
Subvendor: Sunshine Press \$12,000 642 Lincoln Way Playa del Sol, CA 95889	LIT			
Committee to Support Bike Lanes, Yes on Measure C 555 Westhaven Street Playa del Sol, CA 95888	CTB		ID #206703 City of Playa del Sol	\$100
Conseco & Schwartz Consultants 161 P Street Sacramento, CA 95814	PRO		See Schedule G for subvendors	\$15,000
Megan Waters 100 Sandburg Street Playa del Sol, CA 95888			Reimbursement of filing fee	\$1,200
* Payments that are contributions or independent expenditures must also be summarized on Schedule D.				<b>SUBTOTAL \$ 28,800</b>
<b>Schedule E Summary</b>				
1. Itemized payments made this period. (Include all Schedule E subtotals.)				\$ 28,800
2. Unitemized payments made this period of under \$100				\$ -0-
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)				\$ 100
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)				<b>TOTAL \$ 28,900</b>

**How to Complete Schedule E  
Payments Made**

**Name and Address of Payee**

Itemize each payment of \$100 or more made to a single payee during the reporting period, and any payments totaling \$100 or more made during the period for a single product of service. Include the name, street address, city, state, and zip code of the payee. Do not use a post office box number when reporting the address of a payee or creditor.

**Code or Description of Payment**

When itemizing payments, provide either a code or a description of the payment. Expenditure codes are explained in detail in the Form 460, Schedule E instructions. If none of the codes listed on Schedule E fully explains the expenditure, leave the code column blank and provide a brief description of the goods or services purchased.

If several expenditures are made to one vendor during the same reporting period, all of the payments to the vendor may be

reported in a single record. When coding the expenditures, use the code that represents the largest share of the expenditures, and the description field for the other codes or a description. Alternatively, each expenditure may be reported separately by category.

**Payment of Accrued Expenses**

When paying accrued expenses previously reported on Schedule F, report all payments on Schedule E, itemizing at \$100. Subvendor information is only required to be reported once, and does not need to be reitemized on Schedule E if it was disclosed on Schedule F of a previous report.

**Schedule E Summary**

The total amount of expenditures is reported on Line 4 of the summary section of Schedule E and on the Form 460 Summary Page, Column A, Line 6. If the committee is paying interest on an outstanding loan, in addition to reporting the amount on Schedule B, Part 1, Column (e), also report the amount on Line 3 of the summary section of Schedule E.

**Form 460  
Schedule F**

<b>Schedule F Accrued Expenses (Unpaid Bills)</b>		Type or print in ink. Amounts may be rounded to whole dollars.	Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>	CALIFORNIA FORM <b>460</b>		
SEE INSTRUCTIONS ON REVERSE				Page <u>10</u> of <u>13</u>		
NAME OF FILER <b>Committee to Elect Waters Mayor</b>				I.D. NUMBER <b>1001234</b>		
<b>CODES:</b> If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment. OMP campaign paraphernalia/misc.      MER member communications      RAD radio airtime and production costs CNS campaign consultants              MTG meetings and appearances      FRD returned contributions CTB contribution (explain nonmonetary)*      OFC office expenses                      SAL campaign workers' salaries CVC civic donations                          PET petition circulating                      TEL tv, or cable airtime and production costs FL candidate filing/ballot fees              PHO phone banks                              TPC candidate travel, lodging, and meals FND fundraising events                          POL polling and survey research              TRS staff/spouse travel, lodging, and meals ID independent expenditure supporting/opposing others (explain)*      POC postage, delivery and messenger services      TSF transfer between committees of the same candidate/sponsor LEG legal defense                              PRO professional services (legal, accounting)      VOT voter registration LIT campaign literature and mailings              PRT print ads                                      WEB information technology costs (internet, e-mail)						
NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	
Sunflowers & More 691 Sunny Meadows Way Playa del Sol, CA 95888	FND	\$200	0	\$200	0	
Bank of the Sun (Visa) 544 So. Maple Street Sun City, CA 95886		0	\$1,000	0	\$1,000	
Subvendor: Carla's Cards \$280 749 Seashore Drive Playa del Sol, CA 95888	LIT					
* Payments that are contributions or independent expenditures must also be summarized on Schedule D.		<b>SUBTOTALS \$</b>	<b>200</b>	<b>\$ 1,000</b>	<b>\$ 200</b>	<b>\$ 1,000</b>
<b>Schedule F Summary</b>						
1. Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.)			<b>INCURRED TOTALS \$ 1,000</b>			
2. Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.)			<b>PAID TOTALS \$ (200)</b>			
3. Net change this period. (Subtract Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.)			<b>NET \$ 800</b> <small>May be a negative number</small>			

**How to Complete Schedule F  
Accrued Expenses (Unpaid Bills)**

**Name and Address of Creditor**

Itemize each accrued expense of \$100 or more owed to a single creditor. Provide the name, street address, city, state, and zip code of the creditor. Do not use post office box numbers. Continue to list an unpaid bill until it is paid.

**Code or Description of Payment**

When itemizing accrued expenses, provide either a code or a description of the outstanding payment. Expenditure codes are explained in detail in the Form 460, Schedule E instructions. If none of the codes listed on Schedule F fully explains the outstanding payment, leave the code column blank and provide a brief description of the goods or services.

If several accrued expenses are owed to one vendor during the same reporting period, all of the accrued expenses to the vendor may

be reported in a single record. When coding accrued expenses, use the code that represents the largest share of the accrued expenses, and the description field for the other codes or a description. Alternatively, each expenditure may be reported separately by category.

**Amount Columns**

For each itemized accrued expense, report any outstanding balance remaining for the accrued expense from the previous period in column (a), the amount of new accrued expenses incurred this period in column (b), the amount paid this period in column (c), and any outstanding balance at the close of the period in column (d).

When payments on accrued expenses are made, in addition to itemizing payments of \$100 or more on Schedule F, itemize the payments on **Schedule E**. Include unitemized payments on accrued expenses on Line 2 of the summary section of Schedule E.

### Estimating Accrued Expenses

If the exact amount of a debt or obligation is unknown, an estimate may be reported. When the exact amount is known the committee must 1) amend the statement on which the estimated amount was reported; or 2) make an adjustment on the next campaign statement by showing the difference between the estimated amount and the actual amount in column (b), Amount Incurred This Period. If the actual amount is less than the estimate, the amount listed in column (b) should be a negative number and subtracted from the totals. When reporting estimated amounts or corrections to estimated amounts, note that fact on the campaign statement.

**Example** *On its second preelection statement, the Richards for Treasurer committee reported an estimated accrued expense of \$5,000 owed to ABC Printing. An invoice was received during the next reporting period showing the actual amount owed as \$4,500. On Schedule F, column (a) of its next statement, the committee will report an outstanding accrued expense of \$5,000. In column (b), the amount incurred this period will be a negative \$500. The committee paid the entire bill and therefore will report \$4,500 as paid this period in column (c), with a zero balance in column (d).*

### Forgiven Accrued Expenses or Third Party Payments

If a creditor reduces or forgives a debt previously reported on Schedule F, or if another person pays a debt for the committee:

- Indicate that the debt was forgiven, reduced, or paid by a third party and write “See Schedule C” in the “Description of Payment” column. Also report the creditor/payor and the amount as a nonmonetary contribution on Schedule C.

- Report the amount forgiven, reduced, or paid by a third party in the “Amount Paid This Period” column and indicate that it was a forgiveness or third party payment **or** report the amount as a negative number in the “Amount Incurred This Period” column. Do not report the amount on Schedule E.

If the decision to forgive or reduce the debt is based on a bona fide business judgment that all or part of the debt is uncollectible, the creditor may not be making a contribution. Because this is a factual determination, call the FPPC toll-free at (866) 275-3772 for advice.

### Outstanding Accrued Expenses

Line 9, Column B of the Summary Page should reflect the total of all outstanding accrued expenses. Accrued expenses are carried forward on future statements until paid.

### Schedule F Summary

Line 3 of the summary section of Schedule F will be a negative amount when payments on accrued expenses are more than the amount of new accrued expenses. Transfer the amount to the Summary Page, Column A, Line 9 as a negative amount and subtract it from the figure in Column B of the previous campaign statement to determine the figure for Column B, Line 9 of this statement.

### Answering Your Questions

- Q. *When are unpaid bills reportable as accrued expenses?*
- A. The basic rule is that you must report an accrued expense any time you have received goods or services but have not paid for them by the end of the reporting period.
- Q. *What if I have not received an invoice from the vendor yet?*

A. If you have received the goods or services, you must report the accrued expense even if you have not received an invoice. If you do not know the exact amount, you may estimate the amount of the expense. When reporting an estimate, note that fact on Schedule F.

Q. *We have a contract to pay our campaign consultant \$1,000 per month. If the closing date of the campaign statement falls during the middle of the month, say March 17, must we report an accrued expense for the period March 1 through March 17?*

A. No. When you have agreed in writing to pay a contractor a set amount at regular intervals, it is not necessary to prorate the amount owed to the contractor if the reporting period closes before the end of the contract period.

Q. *When an accrued expense is owed and there are subvendor payments, when are the subvendors reported? For example, if we report an accrued expense owed on a credit card and list the subvendors, must we reitemize the subvendors again on Schedules E and F when the accrued expense is paid?*

A. No. It is not necessary to reitemize subvendors when payments are made on accrued expenses, or if an accrued expense is reported on more than one statement. In this example, the subvendors must be reported on the first statement disclosing the accrued expense owed to the credit card company. On subsequent statements, only the credit card company must be itemized.

**Form 460  
Schedule G**

<b>Schedule G</b>		<small>Type or print in ink. Amounts may be rounded to whole dollars.</small>	<small>SCHEDULE G</small>
<b>Payments Made by an Agent or Independent Contractor (on Behalf of This Committee)</b>		Statement covers period from <u>7/1/20XX</u>	<b>CALIFORNIA FORM 460</b>
SEE INSTRUCTIONS ON REVERSE		through <u>9/30/20XX</u>	Page <u>11</u> of <u>13</u>
NAME OF FILER Committee to Elect Waters Mayor		I.D. NUMBER 1001234	
NAME OF AGENT OR INDEPENDENT CONTRACTOR Conseco & Schwartz Consultants			
<b>CODES:</b> If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.			
<small>OMP campaign paraphernalia/misc. CNS campaign consultants CTB contribution (explain nonmonetary)* CVC civic donations FIL candidate filing/ballot fees FND fundraising events IND independent expenditure supporting/opposing others (explain)* LEG legal defense LIT campaign literature and mailings</small>	<small>MBR member communications MTG meetings and appearances OFC office expenses PET petition circulating PHO phone banks PCL polling and survey research POS postage, delivery and messenger services PRO professional services (legal, accounting) PRT print ads</small>	<small>RAD radio airtime and production costs RFD returned contributions SAL campaign workers' salaries TEL t.v. or cable airtime and production costs TRC candidate travel, lodging, and meals TRS staff/spouse travel, lodging, and meals TSF transfer between committees of the same candidate/sponsor VOT voter registration WEB information technology costs (internet, e-mail)</small>	
<small>* Payments that are contributions or independent expenditures must also be summarized on Schedule D.</small>			
<small>NAME AND ADDRESS OF PAYEE OR CREDITOR (OF COMMITTEE, ALSO ENTER I.D. NUMBER)</small>	<small>CODE</small>	<small>OR</small>	<small>DESCRIPTION OF PAYMENT</small>
KSUN Radio 676 Rue Le Soleil Playa del Sol, CA 95888	RAD		\$600
Beach News 1825 Sunflower Drive Strand, CA 95889	PRT		\$13,000
			<b>TOTAL* \$ 13,600</b>
<small>Attach additional information on appropriately labeled continuation sheets.</small>			
<small>* Do not transfer to any other schedule or to the Summary Page. This total may not equal the amount paid to the agent or independent contractor as reported on Schedule E.</small>			

**Schedule G – Payments Made by an Agent or Independent Contractor**

Use Schedule G to report payments made on behalf of the committee by agents (such as campaign workers) and independent contractors (such as a consulting firm or an advertising agency). This schedule may be used in lieu of itemizing these amounts on Schedule E or F.

**General Rules**

**Who Completes Schedule G**

Schedule G may be completed by the agent or independent contractor and given to the committee, or it may be completed by the committee from information provided by the agent or independent contractor.

**Deadline**

Agents and independent contractors must provide the committee with the required payment information no later than three working days prior to the filing deadline of the campaign statement (or within 24 hours for a late contribution or late independent expenditure).

**How to Complete Schedule G**

**Name and Address of Payee or Creditor**

Itemize payments of \$500 or more made by the agent or independent contractor. Provide the name, street address, city, state, and zip code of the payee. Do not use post office box numbers.

See the general rules for Schedules E and F for additional information.

Do not transfer Schedule G totals to any other schedule or to the Summary Page.

**Form 460  
Schedule H**

Schedule H Loans Made to Others*		Type or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		SCHEDULE H CALIFORNIA FORM <b>460</b>		
SEE INSTRUCTIONS ON REVERSE				Page <u>12</u> of <u>13</u>		I.D. NUMBER 1001234		
NAME OF FILER Committee to Elect Waters Mayor								
FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT LOANED THIS PERIOD	(c) REPAYMENT OR FORGIVENESS THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST RECEIVED	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE LOANS TO DATE
Committee to Support Bike Lanes, Yes on Measure C 555 Westhaven Street Playa del Sol, CA 95888 #206703		\$ - 0 -	\$ 400	<input type="checkbox"/> PAID \$ - 0 - <input type="checkbox"/> FORGIVEN \$ - 0 -	\$ 400 None DATE DUE	5% PER 8/12/XX DATE INCURRED	\$ 400	CALENDAR YEAR \$ 400 PER ELECTION**
*Loans that are contributions to another candidate or committee must also be summarized on Schedule D. Loans forgiven must also be reported on Schedule E.		SUBTOTALS		\$ 400	\$ - 0 -	\$ 400	\$ - 0 -	
<b>Schedule H Summary</b>								(Enter (g) on Schedule I, Line 3)
1. Loans made this period .....						\$ 400		**If Required
(Total Column (b) plus unitemized loans of less than \$100.)						\$ -0-		
2. Payments received on loans .....						\$ 400		
3. Net change this period. (Subtract Line 2 from Line 1.)						NET \$		(May be a negative number)

**Schedule H – Loans Made to Others**

Schedule H is for reporting loans made by the committee. Outstanding loans are reported on each campaign statement until they are paid.

**General Rules**

Generally, campaign funds may be used to make loans to other candidates, officeholders, or bona fide charitable, educational, civic, religious, or similar tax-exempt non-profit organizations. There are restrictions on loans to any other person, including a candidate who controls the committee, or to a non-profit organization that is affiliated with a candidate, the treasurer, or other committee officials.

A primarily formed committee that makes contributions, including loans, to candidates, officeholders, or committees (other than the candidate(s) for which the committee is primarily formed) may qualify as a different kind of committee with different reporting obligations. Call the FPPC toll-free at (866) 275-3772 for assistance.

Because a loan is considered a contribution, loans to candidates are subject to applicable state or local contribution limits.

**How to Complete Schedule H**

**Recipient Information**

For each loan of \$100 or more that was made or was outstanding during the reporting period, disclose the recipient's name and address and, if the recipient is an individual, his or her occupation and employer or, if self-employed, the name of the business.

**(a) Outstanding Balance Beginning This Period**

Enter the outstanding loan balance at the beginning of this reporting period (Column (d) of the last report filed). If the loan was received this period, Column (a) should be left blank.

**(b) Amount Loaned This Period**

Enter the amount loaned to the recipient during this reporting period. If this loan was made in a previous reporting period, Column (b) should be left blank.

**(c) Repayment or Forgiveness This Period**

Enter the amount of any reduction of the loan during this reporting period. Indicate whether

the loan was paid or forgiven. If the committee forgives a loan, also report the transaction on Schedule E and, if the recipient of the loan is a candidate or committee, report the forgiveness as a contribution on Schedule D.

**(d) Outstanding Balance at Close of This Period**

Enter the outstanding balance of the loan at the close of this reporting period. Enter the due date, if any.

**(e) Interest Received**

Enter the interest rate and amount of interest received on the loan during this reporting period. Interest received is reported separately from payments received on the loan principal. Interest received is also transferred to the Schedule I Summary.

**(f) Original Amount of Loan**

Enter the original amount of the loan and the date it was made. If this is the first time the loan is being reported, this will be the same amount as reported in Column (b).

**(g) Cumulative Loans to Date**

For each loan that is a contribution, enter the cumulative amount of contributions (including loans, loan guarantees, monetary and nonmonetary contributions) made to the recipient during the calendar year covered by the statement. If the recipient is subject to state contribution limits, also enter the total amount contributed in connection with each election and identify the election year. Because loans are contributions, the total amount of contributions made to a state candidate's committee, including loans, may not exceed the applicable limit. (Loans to candidates or other committees must also be reported on Schedule D.)

**Schedule H Summary**

Line 3 of the summary section of Schedule H will be a negative amount when payments

received this period are greater than the amount of new loans made. Transfer the amount to the Summary Page, Column A, Line 7 as a negative figure and subtract this amount from the figure in Column B, Line 7 on the previous statement filed to determine the amount to report in Column B, Line 7 of this statement.

**Schedule I – Miscellaneous Increases to Cash**

Report on Schedule I increases to the committee's cash position that are not monetary contributions, loans, or repayments of loans made to others.

**Examples**

- Proceeds, up to the fair market value, of items sold at a garage sale or auction.
- Refunds received on deposits, such as a telephone or room rental deposit or from over-payment of bills.
- Interest received or credited to a checking or savings account or other time deposit.
- Interest payments received on loans made to others.
- Receipts from the sale of committee assets.
- Transfers of funds received by a controlled committee from another committee controlled by the same candidate. However, there are special rules for transferring funds to a committee for state office. (See Manual 1.)

**General Rules**

**Donated Items**

When reporting sources who have purchased donated items, e.g., items sold at a garage sale, report the amount received, up to the fair market value, on Schedule I. Any amount in excess of the fair market value is a contribution and reported on Schedule A.

**Form 460  
Schedule I**

<b>Schedule I Miscellaneous Increases to Cash</b>		Type or print in ink. Amounts may be rounded to whole dollars.	Statement covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>	<b>SCHEDULE I CALIFORNIA FORM 460</b>
SEE INSTRUCTIONS ON REVERSE			Page <u>13</u> of <u>13</u>	
NAME OF FILER Committe to Elect Waters Mayor			I.D. NUMBER 1001234	
DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH	
9/19	Gail Winds 100 Sycamore Street Playa del Sol, CA 95888	Purchase of TV	\$1,000	
9/20	Waters for City Council 10 Parkway Plaza Playa del Sol, CA 95888	ID #983924 Transfer of funds	\$3,000	
Attach additional information on appropriately labeled continuation sheets.			<b>SUBTOTAL \$</b>	<b>4,000</b>
<b>Schedule I Summary</b>				
1. Itemized increases to cash this period. ....		\$	4,000	
2. Unitemized increases to cash of under \$100 this period. ....		\$	-0-	
3. Total of all interest received this period on loans made to others. (Schedule H, Column (e).) .....		\$	4,000	
4. Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.) .....		<b>TOTAL \$</b>	<b>4,000</b>	

**(Example)** *Gail Winds purchased a television donated by Seaside TV Sales at your committee’s garage sale. The donated television was previously reported on Schedule C with a fair market value of \$1,000. Gail paid \$1,100 for the television. Report the fair market value of \$1,000 on Schedule I and itemize the additional \$100, the amount over the fair market value, as a contribution on Schedule A.*

**Uncashed Checks**

If the committee writes a check that is never deposited or negotiated, report the amount of the uncashed check on Schedule I.

**Decreases to Cash**

All decreases to cash must be reported as expenditures on Schedule E or H.

**How to Complete Schedule I  
Miscellaneous Increases to Cash**

**Date**

Report the date the committee received the miscellaneous receipt.

**Source Information**

Itemize sources of \$100 or more. Provide the full name, street address, city, state, and zip code of the source. Post office box numbers are not acceptable.

**Description**

Provide a description of the receipt, e.g., refund on room deposit for fundraiser.

**Amount**

Enter the amount of the receipt.

**Schedule I Summary**

The total amount of miscellaneous increases to cash is reported on Line 4 of the summary section of Schedule I and on the Summary Page, Column A, Line 14.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

- 81004.5 *Reports and Statements; Amendments.*
- 82013 *Committee.*
- 82015 *Contribution.*
- 82018 *Cumulative Amount.*
- 82025 *Expenditure.*
- 82025.5 *Fair Market Value.*
- 82044 *Payment.*
- 84105 *Notification of Contributors.*
- 84211 *Contents of Campaign Statement.*
- 84212 *Forms; Loans.*
- 84213 *Candidate Verification.*
- 84216 *Loans.*
- 84216.5 *Loans Made by a Candidate or Committee.*
- 84302 *Contributions by Intermediary or Agent.*
- 84303 *Expenditures by Agent or Independent Contractor.*
- 84306 *Contributions Received by Agents of Candidates and Committees.*
- 85201 *Campaign Bank Account.*
- 85308 *Family Contributions.*
- 85501 *Prohibition on Independent Expenditures by Candidate Controlled Committees.*
- 85700 *Donor Information Requirements; Return of Contributions.*
- 89511.5 *Use of Personal Funds for Incumbent Elected Officers.*
- 89515 *Use of Campaign Funds for Donations and Loans.*

### Title 2 Regulations

- 18116 *Reports and Statements; Filing Dates.*
- 18215 *Contribution.*
- 18215.1 *Contributions; When Aggregated.*
- 18216 *Enforceable Promise to Make a Payment.*

- 18421 *Cash Equivalents.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18421.2 *Street Address.*
- 18421.3 *Reporting of Contributions and Expenditures Collected by Contract Vendors or Collecting Agents.*
- 18421.6 *Reporting Accrued Expenses.*
- 18423 *Payments for Personal Services as Contributions and Expenditures.*
- 18427.1 *Notification to Contributors of \$5,000 or More.*
- 18428 *Reporting of Contributions and Independent Expenditures Required to be Aggregated.*
- 18431 *Reporting of Expenditures by an Agent or Independent Contractor.*
- 18432.5 *Intermediary.*
- 18526 *Reimbursement of Expenditures.*
- 18533 *Contributions from Joint Checking Accounts.*
- 18570 *Return of Contributions with Insufficient Donor Information.*

# Chapter 7

## Additional Reports

In addition to the reports discussed in Chapter 6, other special reports may be required depending on a committee’s activity, including:

- Supplemental Independent Expenditure Reports (Form 465)
- Supplemental Pre-election Reports (Forms 460 and 495)
- Late Independent Expenditure Reports (Form 496)
- Late Contribution Reports (Form 497)
- Paid Spokesperson Reports (Form 511)
- Special Odd-year Reports (Form 460)
- Reports of Communications Identifying State Candidates (Form E-530)

Each report is discussed in detail in the following pages.

Your Committee	File
Makes independent expenditures of \$1,000 or more to support or oppose a single candidate or ballot measure	Form 465
Makes contribution(s) totaling \$10,000 or more to <b>state</b> officeholders during the first or third quarter of an odd-numbered year	Form 460
Makes contributions of \$10,000 or more in connection with a local or special state election	Form 495
Makes independent expenditures of \$1,000 or more to support or oppose a single candidate or ballot measure during the 16 days before the candidate or measure’s election	Form 496
Receives contributions totaling \$1,000 or more from a single source during the 16 days before your election	Form 497
Makes contributions totaling \$1,000 or more to a candidate or ballot measure committee during the 16 days before the candidate or measure’s election, or to a state or county political party committee during the 16 days before a state election	Form 497
Makes expenditures of \$5,000 or more for an individual to appear in a ballot measure advertisement	Form 511
Makes payments of \$50,000 or more to “feature” a <b>state</b> candidate 45 days before an election	Form E-530

## Supplemental Independent Expenditure Report (Form 465)

See Chapter 3 for the definition of “independent expenditure.” Reminder: Candidates may not use campaign funds to make independent expenditures to support or oppose other candidates.

A Supplemental Independent Expenditure Report (Form 465) is filed when a candidate or committee makes an independent expenditure of \$1,000 or more to support or oppose a single candidate or a single measure. Although candidates may not use campaign funds to make independent expenditures to support or oppose other candidates, they may be required to file Form 465 if personal funds are used to make independent expenditures to support or oppose a single candidate or ballot measure.

**Form 465 must be filed in addition to any preelection or semi-annual campaign statements the candidate or committee is required to file.** Independent expenditures disclosed on Form 465 also must be disclosed on the candidate or committee’s campaign statements (Form 450/460, or Form 461 if personal funds are spent).

Form 465 is required only if \$1,000 or more is spent to support or oppose a **single** candidate or measure. If a communication features more than one candidate or measure, the Form 465 is filed only if \$1,000 or more was expended on each candidate or measure featured. A separate Form 465 must be filed for each candidate supported or opposed.

A committee primarily formed to support or oppose candidates must file Form 465 if it makes an independent expenditure of \$1,000 or more to support or oppose any of those candidates.

**Example** *Your committee mails a flyer asking the voters to vote for the three candidates for which your committee is*

*primarily formed. The flyer is **not done at the behest** of any of the candidates named. The total cost of the mailing, including postage, amounts to \$4,850. Because the amount attributable to each candidate is \$1,000 or more, you must file Form 465 for each candidate.*

If a candidate sends out a communication opposing his or her opponent, the candidate has not made an independent expenditure. (See Chapter 3.)

### When to File

File Form 465 at the same time(s) the candidate or ballot measure committee being supported or opposed is required to file statements, including the semi-annual deadline following the election if independent expenditures are made after the end of the second preelection reporting period.

**Example** *During the second preelection reporting period, your controlled committee for mayor made an independent expenditure by spending \$1,150 to print brochures supporting Measure C in Del Sol County. The second preelection statement in connection with the ballot measure is due on April 12. Your committee must file a Form 465 with the Registrar of Voters in Del Sol County by April 12 as well.*

If an independent expenditure of \$1,000 or more is made during the last 16 days before an election in which the candidate or measure being supported or opposed is to be voted on, a Late Independent Expenditure Report (Form 496) will also have to be filed within 24 hours. (Also see Form 496 discussion later in this chapter.)

### Where to File

#### Candidate Controlled Committees

File Form 465 in the same location(s) as for a committee primarily formed to support or

oppose the ballot measure identified in the communication. This is so the voters in the affected jurisdiction have access to reports showing who has spent funds in an attempt to influence the voters there. A separate Form 465 must be filed for each ballot measure supported or opposed.

**Example** *The Committee for Ernest Bert is domiciled in Palos County.*

*Because it made an independent expenditure of \$1,400 supporting a Del Sol County ballot measure, it files the Form 465 with the Del Sol County Registrar of Voters and the Registrar of Voters in Palos County.*

### **Primarily Formed Committees**

The Form 465 is filed in the same places where the committee files its regular campaign reports (Form 450/460).

**Example** *Friends of Sarah Greene is primarily formed to support her candidacy for Verde County supervisor. The committee's address is in Sacramento County. Friends makes an independent expenditure of \$1,200 supporting Greene five days before the November election. Friends must file Form 465 with the Registrars of Voters in Verde County and Sacramento County by the January 31 deadline for filing the semiannual campaign statement. These are the same locations where the committee must file a Late Independent Expenditure Report (Form 496) disclosing the independent expenditure, and its regular campaign reports (Form 460).*

If the committee makes independent expenditures to support or oppose candidates **other than those for whom it is primarily formed**, or to support/oppose ballot measures, Form 465 is filed in the same places as a committee primarily formed to support/oppose the candidate or measure identified in the communication. (In addition, the committee may now qualify as a

general purpose committee. Contact the FPPC for more information.)

A separate Form 465 must be filed for each candidate or measure supported or opposed.

**Form 465**

<b>Supplemental Independent Expenditure Report</b> <small>(Government Code Section 84203.5)</small> SEE INSTRUCTIONS ON REVERSE		Type or print in ink. Amounts may be rounded to whole dollars.		SUPPLEMENTAL INDEPENDENT EXPENDITURE	
<input type="checkbox"/> <b>Amendment</b> (Explain Below)		Report covers period from <u>7/1/20XX</u> through <u>9/30/20XX</u>		Date Stamp _____	
Date of election if applicable: (Month, Day, Year) <u>11/7/20XX</u>		CALIFORNIA FORM <b>465</b> Page <u>1</u> of <u>2</u> For Official Use Only			
<b>1. Committee/Filer Information</b>		I.D. NUMBER (if recipient committee) <u>1001234</u>		<b>Treasurer</b> (if recipient committee)	
COMMITTEE/FILER'S NAME Committee to Elect Waters Mayor		NAME OF TREASURER Ben Rogers			
STREET ADDRESS (NO P.O. BOX) 10 Parkway Plaza		MAILING ADDRESS 10 Parkway Plaza			
CITY STATE ZIP CODE AREA CODE/PHONE Playa del Sol CA 95888 555/333-5432		CITY STATE ZIP CODE AREA CODE/PHONE Playa del Sol CA 95888 555/333-5432			
OPTIONAL: FAX / E-MAIL ADDRESS Brogers@jps.net		OPTIONAL: FAX / E-MAIL ADDRESS Brogers@jps.net			
<b>2. Name of Candidate or Measure Supported or Opposed</b>					CHECK ONE
NAME OF CANDIDATE _____		OFFICE SOUGHT OR HELD AND DISTRICT, IF APPLICABLE _____		SUPPORT OPPOSE	
NAME OF BALLOT MEASURE Bike Lanes for Playa del Sol		BALLOT NO./LETTER C	JURISDICTION City of Playa del Sol	SUPPORT OPPOSE X	
<b>3. Independent Expenditures Made</b> <i>Attach additional information on appropriately labeled continuation sheets.</i>					
DATE	NAME AND ADDRESS OF PAYEE	DESCRIPTION OF EXPENDITURE	AMOUNT	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	
11/1/XX	Beach City News 1500 J Street Playa del Sol, CA 95888	Newspaper Ad	\$1,265	\$1,265	

**How to Complete Form 465**

**Period Covered**

The “period covered” by this report begins the day after the closing date of the most recent Form 465 filed related to the candidate or measure supported or opposed.

If this is the first Form 465 filed for the current year for a particular candidate or measure, the period covered begins January 1. The closing date of the period covered is the closing date for the current campaign statement being filed for the candidate or measure. For example, if the independent expenditure was made during the first preelection period, the Form 465 would cover the period through the closing date for the first preelection statement filed by the candidate or measure identified in the communication.

**Filer Information**

Provide the committee’s full name, street address, city, state, zip code, telephone number, and identification number. Also list the name, address, and telephone number of the committee’s treasurer and assistant treasurer, if any.

**Name of Candidate or Measure Supported or Opposed**

Report the name of the candidate supported or opposed and the office the candidate is seeking, including the district number, if applicable. Or, report the name of the ballot measure supported or opposed by the independent expenditure, including the ballot number or letter and the jurisdiction of the election. Indicate whether the independent expenditure supported or opposed the candidate or ballot measure.

**Independent Expenditures Made**

Provide the date, name and address of the payee, along with a short description of the expenditure, its amount, and the cumulative amount expended to date on the candidate or measure supported or opposed.

**Summary**

Complete the summary section by entering the total of all independent expenditures of \$100 or more made during the period for the candidate or ballot measure, the total of all independent expenditures of under \$100

**Form 465  
Page 2**

<p><b>Supplemental Independent Expenditure Report</b></p> <p style="font-size: small;">SEE INSTRUCTIONS ON REVERSE</p> <p>NAME OF FILER Committee to Elect Waters Mayor</p>	<p style="font-size: x-small;">Type or print in ink. Amounts may be rounded to whole dollars.</p>	<p style="font-size: x-small;">SUPPLEMENTAL INDEPENDENT EXPENDITURE</p> <p>Report covers period from 7/1/20XX through 9/30/20XX</p>	<p style="font-size: x-small;">CALIFORNIA FORM 465</p> <p>Page 2 of 2</p> <p style="font-size: x-small;">I.D. NUMBER (if recipient com.) 1001234</p>								
<p><b>4. Summary</b></p> <p>1. Total independent expenditures of \$100 or more made this period. (Part 3.) ..... \$ 1,265</p> <p>2. Total independent expenditures under \$100 made this period. (Not itemized.) ..... \$ 0</p> <p>3. Total independent expenditures made this period (Add Lines 1 + 2.) ..... <b>TOTAL</b> \$ 1,265</p>											
<p><b>5. Filing Officers</b> Enter the name and address of each filing officer with whom the filer's most recent campaign statements (Form 450, 460 or 461) have been filed.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p>1) NAME OF FILING OFFICER City Clerk, Playa del Sol</p> <p>ADDRESS (NO. AND STREET) 500 Playa del Sol Way</p> <p>CITY STATE ZIP CODE Playa del Sol CA 95888</p> </td> <td style="width: 50%; border: none;"> <p>3) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p> </td> </tr> <tr> <td style="border: none;"> <p>2) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p> </td> <td style="border: none;"> <p>4) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p> </td> </tr> </table>				<p>1) NAME OF FILING OFFICER City Clerk, Playa del Sol</p> <p>ADDRESS (NO. AND STREET) 500 Playa del Sol Way</p> <p>CITY STATE ZIP CODE Playa del Sol CA 95888</p>	<p>3) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p>	<p>2) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p>	<p>4) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p>				
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<p>2) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p>	<p>4) NAME OF FILING OFFICER</p> <p>ADDRESS (NO. AND STREET)</p> <p>CITY STATE ZIP CODE</p>										
<p><b>6. Verification</b></p> <p>I have used all reasonable diligence in preparing and reviewing this 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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Executed on [Date Required]</td> <td style="width: 50%;">By [Signature Required]</td> </tr> <tr> <td style="font-size: x-small;">DATE</td> <td style="font-size: x-small;">SIGNATURE OF TREASURER OR ASSISTANT TREASURER</td> </tr> <tr> <td>Executed on [Date Required]</td> <td>By [Signature Required]</td> </tr> <tr> <td style="font-size: x-small;">DATE</td> <td style="font-size: x-small;">SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, STATE MEASURE PROPONENT, OR RESPONSIBLE OFFICER OF SPONSOR</td> </tr> </table>				Executed on [Date Required]	By [Signature Required]	DATE	SIGNATURE OF TREASURER OR ASSISTANT TREASURER	Executed on [Date Required]	By [Signature Required]	DATE	SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, STATE MEASURE PROPONENT, OR RESPONSIBLE OFFICER OF SPONSOR
Executed on [Date Required]	By [Signature Required]										
DATE	SIGNATURE OF TREASURER OR ASSISTANT TREASURER										
Executed on [Date Required]	By [Signature Required]										
DATE	SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, STATE MEASURE PROPONENT, OR RESPONSIBLE OFFICER OF SPONSOR										

made during the period, and the total for both.

**Filing Officers**

Enter the title and address of each filing officer with whom the committee files its regular pre-election or semi-annual statements.

**Verification**

The Form 465 is not considered filed if it is not signed.

**Amendments**

To amend a previously filed Form 465, file another Form 465 with the "Amendment" box checked and the corrected or missing information included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

**Answering Your Questions**

Q. Is an officeholder or candidate who files a Campaign Statement-Short Form (Form

470) still required to file a Form 465 if he or she spends \$1,000 or more in personal funds on an independent expenditure to support/oppose another candidate or ballot measure?

A. Yes. He or she must file the Form 465 to report this activity.

Q. Is an independent expenditure reportable by the committee for the candidate or the ballot measure named in the communication?

A. No. Because the communication is not **made at the behest** of the candidate or ballot measure committee, that is, without its coordination, control, or suggestion, the expenditure for the communication is only reported by the person making it.

Q. Is a candidate's controlled committee making an independent expenditure when it pays for a communication that supports the controlling candidate and supports or opposes a ballot measure listed on the same ballot or a communication opposing the controlling candidate's opponent?

- A. No. These types of expenditures are considered promoting one's own election.
- Q. *May a committee pro-rate the value of a communication that contains both an independent expenditure and a non-political message?*
- A. Yes. The committee should value the independent expenditure as the portion of the costs directly associated with sending the message that expressly advocates election or defeat of a candidate or measure.

### Supplemental Preelection Campaign Statement (Form 495)

A Supplemental Preelection Campaign Statement (Form 495) must be filed if:

- The committee makes contributions totaling \$10,000 or more to any number of candidates or committees primarily formed to support or oppose candidates or measures all being voted upon in one jurisdiction on the same day, **and**
- The contributions were made during the period beginning six months prior to the recipient's election and ending 17 days before the election.

Form 495, covering the period beginning six months prior to the election through 17 days before the election, is filed as an attachment to a campaign statement (Form 450 or 460). The period covered by the Form 450 or 460 begins the day after the closing date of the most recent campaign statement filed through 17 days before the election.

Form 495 is not required during any semi-annual period in which the committee is required to file regular preelection statements or if all the information that would be reported on the Form 495 is reported on a semi-annual statement or Special Odd-Year Campaign Report already on file. (See the section on Special Odd-Year Campaign Report later in this chapter.)

**Examples** *Two months before her November election, Megan Waters, candidate for mayor in the city of Playa del Sol, makes a \$4,500 contribution to the Committee to Support Bike Lanes, Yes on Measure C, and contributes \$3,000 each to two candidates running for city council, all in the city of Playa del Sol. Since Megan Waters must file a preelection campaign statement in connection with her own election, it is not necessary that she also file Form 495.*

*One month before an April ballot measure election held in an odd-numbered year, an incumbent county supervisor makes a contribution of \$12,000 to the committee primarily formed to support the measure. The supervisor's committee must file Form 495 attached to its Form 460 no later than 12 days before the April election. The Form 495 will disclose the \$12,000 contribution and the Form 460 will disclose all contributions received and expenditures made by the supervisor's committee, including the \$12,000 contribution, since the last Form 460 was filed. Both forms are filed where the supervisor regularly files his campaign statements, i.e., his county's registrar of voters.*

### When to File

File Form 495, attached to the committee's Form 450 or 460, no later than 12 days before the recipient's election. The reports must be sent by guaranteed overnight delivery or personal delivery.

### Where to File

File Form 495 and the campaign statement with each office where the committee is required to file its regular campaign statements.

If the committee made contributions of \$10,000 or more in connection with more than one election, a separate Form 495 must be completed for each election.

**Form 495**

<b>Supplemental Preelection Campaign Statement</b> <small>(Government Code Section 84202.5)</small>		Type or print in ink.	Date Stamp	SUPPLEMENTAL PRE-ELECTION FORM <b>495</b> For Official Use Only
Check one box indicating which form is attached to this Form 495: <input type="checkbox"/> Form 450, Recipient Committee Campaign Statement - Short Form <input checked="" type="checkbox"/> Form 460, Recipient Committee Campaign Statement - Long Form		<input type="checkbox"/> Amendment (Explain Below)		
<b>1. Committee Information</b>		I.D. NUMBER 1001234	<b>Treasurer(s)</b>	
COMMITTEE NAME Committee to Elect Waters Mayor		NAME OF TREASURER Ben Rogers		
STREET ADDRESS (NO P.O. BOX) 10 Parkway Plaza		STREET ADDRESS 10 Parkway Plaza		
CITY Playa del Sol	STATE CA	ZIP CODE 95888	AREA CODE/PHONE 555/333-5432	
MAILING ADDRESS (IF DIFFERENT) NO. AND STREET		NAME OF ASSISTANT TREASURER, IF ANY Megan Waters		
CITY Playa del Sol	STATE CA	ZIP CODE 95888	AREA CODE/PHONE 555/333-1601	
OPTIONAL: FAX / E-MAIL ADDRESS Brogers@jps.net		OPTIONAL: FAX / E-MAIL ADDRESS		
<b>2. Contributions Made</b>				
DATE OF ELECTION (MONTH, DAY, YEAR) 11/7/XX	JURISDICTION OF THE ELECTION Imperial County	\$ 11,000	has been contributed in connection with this election during the period beginning six months prior to the election and ending 17 days before the election.	
<b>3. Verification</b>				
I have used all reasonable diligence in preparing and reviewing this 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 _____ [Date Required] DATE	By _____ [Signature Required] SIGNATURE OF TREASURER OR ASSISTANT TREASURER			
Executed on _____ [Date Required] DATE	By _____ [Signature Required] SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, STATE MEASURE PROponent, OR RESPONSIBLE OFFICER OF SPONSOR			

**How to Complete Form 495**

**Committee Information**

Disclose the committee’s name, street address city, state, zip code, identification number, and daytime telephone number, as well as the name, address, and daytime telephone number for the committee treasurer and assistant treasurer, if any.

**Contributions Made**

Enter the date and jurisdiction of the election and the total amount contributed during the period beginning six months before the election and ending 17 days before the election.

**Verification**

The Form 495 is not considered filed if it is not signed.

**Amendments**

To amend a previously filed Form 495, file another Form 495 with the “Amendment” box checked and the corrected or missing information included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

## Late Independent Expenditure Report (Form 496)

A Late Independent Expenditure Report (Form 496) must be filed if the committee makes *independent expenditures* totaling \$1,000 or more to support or oppose a **single** candidate or a **single** ballot measure during the 16 days prior to the candidate or measure's election.

(See Chapter 3 for the definition of "independent expenditure.") Reminder: Candidates may not use campaign funds to make independent expenditures that support or oppose other candidates.

**Late independent expenditure reports must be filed in addition to any preelection or semi-annual campaign statements the candidate or committee is required to file.** Late independent expenditures also must be disclosed on the candidate or committee's next campaign statement (Form 450/460), and on the Supplemental Independent Expenditure Report (Form 465).

The following are not considered independent expenditures by a candidate's controlled committee:

- Expenditures supporting the controlling candidate's election (or against his or her opponent);
- Expenditures for communications supporting the controlling candidate's election that also support or oppose other candidates or ballot measures being voted on in the same jurisdiction and election.

**(Example)** *Megan Waters for Mayor Committee distributed a flyer supporting Megan's candidacy and Henry Pellon's candidacy for city council in the same city. There was no coordination with Henry or his committee. Megan's committee has not made an independent expenditure supporting Henry.*

A primarily formed committee to support/oppose a candidate(s) that makes a late independent expenditure of \$1,000 or more to support/oppose that candidate(s), or another candidate or ballot measure, must file a late independent expenditure report.

**(Example)** *Your committee is primarily formed to support Megan Waters for mayor. Your committee is not Megan Waters' controlled committee, but is independently making expenditures to get her elected. Three days before the election, your committee, on its own and not at the behest of Ms. Waters, purchased an advertisement in a local newspaper for \$1,200 urging voters to support Waters. File a late independent expenditure report within 24 hours of making this payment.*

If the committee does not expend \$1,000 or more to support or oppose a single candidate or a single measure during the last 16 days before an election, a late independent expenditure report is not required.

**(Example)** *Ten days before an election, your committee independently spent \$1,700 on a mailing equally supporting two candidates. The mailing was done completely independent of the candidates; the value to each was \$850. Since your committee did not expend \$1,000 or more on the mailing for any one candidate, you do not need to file a late independent expenditure report.*

*Later, three days before the election, your committee independently spent \$400 on signs supporting one of the candidates listed in your earlier mailing. Because the total spent on behalf of this candidate within the last 16 days before the election was \$1,000 or more, file a Form 496.*

The committee may use either Form 496, or create its own form, as long as all of the required information is provided. A separate report must be filed for each candidate or measure supported or opposed.

### When to File

The report must be filed within 24 hours of making a late independent expenditure. An independent expenditure has been made when a communication is made, or when a payment is made in connection with the development, production, or dissemination of the communication, whichever is earlier.

### Where to File

#### Candidate Controlled Committees

The report is filed as if the committee were primarily formed to support or oppose the measure identified in the communication. This allows voters in the affected jurisdiction to have access to reports showing who has spent funds attempting to influence them. File a separate report for each ballot measure supported or opposed by fax, guaranteed overnight delivery, or personal delivery. **Regular mail may not be used.**

**Example** *A Playa del Sol city council candidate's committee makes a late independent expenditure to support a state ballot measure. Playa del Sol is located in Beach County. The committee files the late independent expenditure report with the Secretary of State, the City and County of San Francisco, Los Angeles County, and the Registrar of Voters for Beach County.*

#### Primarily Formed Committees

The report is filed in the same places the committee files its regular campaign reports (Form 450/460). However, if the committee makes independent expenditures to support or oppose candidates other than those for which it is primarily formed, or to support/

oppose ballot measures, the report should be filed in the same places as a committee primarily formed to support/oppose the candidate or measure identified in the communication. (In addition, the committee may now qualify as a general purpose committee. Contact the FPPC for more information.)

File a separate report by fax, guaranteed overnight delivery, or personal delivery for each candidate or ballot measure supported or opposed. **Regular mail may not be used.**

## Chapter 7 — Additional Reports

### Form 496

Late Independent Expenditure Report		Type or print in ink. Amounts may be rounded to whole dollars.		LATE INDEPENDENT EXPENDITURE REPORT	
NAME OF FILER Committee to Elect Waters Mayor		Date of This Filing 11/1/20XX	Date Stamp	CALIFORNIA FORM 496 For Official Use Only	
AREA CODE/PHONE NUMBER 555/333-5432	I.D. NUMBER (if applicable) 1001234	Report No. 1			
STREET ADDRESS 10 Parkway Plaza		<input type="checkbox"/> Amendment to Report No. _____ (explain below)			
CITY Playa del Sol	STATE CA	ZIP CODE 95888	No. of Pages 2		
<b>1. List Only One Candidate or Ballot Measure</b>					
NAME OF CANDIDATE SUPPORTED OR OPPOSED			NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED		
			Bike Lanes for Playa del Sol		
OFFICE SOUGHT OR HELD/DISTRICT NO.	SUPPORT	OPPOSE	BALLOT NO./LETTER C	JURISDICTION City of Playa del Sol	SUPPORT X OPPOSE
<b>2. Independent Expenditures Made</b> Attach additional information on appropriately labeled continuation sheets.					
DATE	DESCRIPTION OF EXPENDITURE		AMOUNT		
11/1/XX	Newspaper Ad		\$1,265		
Reason for Amendment: _____					
<b>Late Independent Expenditure Report</b>					
NAME OF FILER Committee to Elect Waters Mayor				CALIFORNIA FORM 496 I.D. NUMBER (if applicable) 1001234	
<b>3. Contributions of \$100 or More Received *</b>					
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE **	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED	INTEREST RATES
10/29/XX	Megan Waters 100 Sandburg Drive Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Realtor, Waters Realty	\$2,500	If loan, enter interest rate, if any _____ %

### How to Complete Form 496

#### Filer Information

Enter the committee's name, street address, city, state, zip code, and identification number.

#### Date of This Filing

Indicate the date of filing this report.

#### Report Number

Assign a unique number to each late independent expenditure report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

#### Amendment to Report Number

If this is an amendment to a report previously filed, assign a new unique identifying number as the Report Number, check the "Amendment" box, and indicate the number of the report being amended.

#### Number of Pages

Note the number of pages included in the report.

### Name of Candidate/Measure Supported or Opposed

Part 1. Disclose the name, office sought and the district number, if applicable, of the candidate supported or opposed in the communication, or the name, ballot number or letter, and jurisdiction of the ballot measure supported or opposed. Check the box indicating whether the candidate or ballot measure was supported or opposed by the independent expenditure.

### Independent Expenditures/Payments Made

Part 2. Disclose the date the committee made the expenditure, a description of the expenditure, e.g., printing, postage, mail house, etc., and the amount of the expenditure.

### Contributions of \$100 or More Received

Part 3. Disclose contributions of \$100 or more received since the closing date of the last campaign statement filed. If no previous campaign statement has been filed, disclose

contributions of \$100 or more received since January 1 of the current calendar year.

Report the date the contribution was received, the full name, street address, city, state, and zip code of the contributor. For each itemized contributor, check the box indicating whether the contributor is an individual, a committee, “other” (such as a business entity), or a political party. (The code “SCC” is applicable only to state candidates and committees.) If the contributor is an individual, provide his or her occupation and employer. Report the amount received, and, if the contribution was a loan, provide the interest rate.

### Amendments

To amend a previously filed late independent expenditure report, file a new Form 496 with the corrected information and the “Amendment” box checked. Or, disclose the required information on a piece of paper identified as an amendment. The “Report Number” of the report being amended should be included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

### Answering Your Questions

- Q. *Must a committee primarily formed to support a city council candidate file a late independent expenditure report if it spends \$1,000 or more during the last 16 days before the election for a communication supporting the candidate?*
- A. Yes. If the communication was not done at the behest of the candidate, the primarily formed committee must file a late independent expenditure report within 24 hours and a Supplemental Independent Expenditure Report (Form 465) after the election.
- Q. *Is a candidate making an independent expenditure when he or she pays for a*

*communication supporting his or her own candidacy or opposing his or her opponent?*

- A. No. The expenditure is considered promoting one’s own election.

### Late Contribution Report (Form 497)

A Late Contribution Report (Form 497) must be filed if a committee controlled by the candidate or a primarily formed committee:

- Receives a contribution of \$1,000 or more, or multiple contributions aggregating \$1,000 or more, from a single source during the 16 days prior to the candidate’s election; or
- Makes a contribution or contributions totaling \$1,000 or more to a candidate, primarily formed committee, or ballot measure committee during the 16 days before the candidate’s or measure’s election; or
- Makes a contribution or contributions totaling \$1,000 or more to a state or county political party committee during the 16 days before a state election.

This includes monetary and nonmonetary contributions, loans, or a combination of contributions and loans. This also includes a candidate’s personal funds contributed or loaned to his or her own campaign.

**Example** *Fourteen days before the November election, Friends of Megan Waters, a non-controlled committee primarily formed to support Megan Waters for mayor, made a \$500 contribution to her campaign. Ten days before the election, the committee made another \$500 contribution. These two contributions in the aggregate amount to \$1,000. Both the Friends committee and Megan’s committee must file a late contribution report within 24 hours of the second contribution.*

Only contributions made or received during the last 16 days before the election are aggregated to reach the \$1,000 threshold. A contribution made or received before the 16-day late contribution period is not aggregated with a contribution made to the same candidate or committee, or received from the same source, during the late period.

**Example** *Seventeen days before the November election, Megan received a \$600 contribution from an individual contributor. Another \$600 was received from the same contributor four days before the election. Since an aggregate of \$1,000 was **not** received during the last 16 days before the election from this individual, Megan’s campaign is not required to file a late contribution report for this contributor.*

**Late contribution reports must be filed in addition to any preelection and semi-annual campaign statements the candidate or committee is required to file.** Late contributions also must be disclosed on the candidate or committee’s next campaign statement (Form 450/460).

### When to File

A late contribution is received on the date the candidate, committee, or an agent of the committee obtains possession or control of the check or nonmonetary item which constitutes the contribution. A late contribution is made on the date it is mailed, delivered, or otherwise transmitted to a candidate or committee. Late reports must be filed within the required 24 or 48 hours. The “next business day” extensions for filing periodic reports does not apply to late reports.

### Monetary

The late contribution report must be filed **within 24 hours** of receiving or making a late monetary contribution.

### Nonmonetary

#### Making

Within 24 hours of **making** a late nonmonetary contribution:

- File a late contribution report; and
- Notify the recipient of the value of the late nonmonetary contribution by personal delivery, fax, or guaranteed overnight mail.

#### Receiving

Within 48 hours of **receiving** a late nonmonetary contribution:

- File a late contribution report.

When more than one nonmonetary contribution will be made to or received from a single contributor during the late contribution reporting period, the committee may, on or before the deadline, file a single report covering the entire late contribution period. The report should disclose the total value of nonmonetary contributions that will be made, or, if the actual value of nonmonetary contributions is not known at the time of filing, a good faith estimate of the value that will be contributed or received during the period. If the value of late nonmonetary contributions differs from the estimated amount by 20 percent or more, the estimated report must be amended within 24 hours from the time the committee knows that the estimated value is incorrect.

The committee may use the Late Contribution Report (Form 497) to disclose late contributions made or received, or create its own form, as long as all of the required information is provided.

### Where to File

The late contribution report must be filed by fax, guaranteed overnight delivery service, or personal delivery, at the same locations where the committee files its regular

**Form 497  
Page 1  
Late  
Contributions  
Received**

LATE CONTRIBUTION REPORT		Type or print in ink. Amounts may be rounded to whole dollars.		LATE CONTRIBUTION REPORT	
NAME OF FILER Committee to Elect Waters Mayor		Date of This Filing	10/30/20XX	Date Stamp	CALIFORNIA FORM <b>497</b> For Official Use Only
AREA CODE/PHONE NUMBER 555/333-5432	I.D. NUMBER (if applicable) 1001234	Report No.	1		
STREET ADDRESS 10 Parkway Plaza		<input type="checkbox"/> Amendment to Report No. _____ (explain below)	No. of Pages	1	
CITY Playa del Sol	STATE CA	ZIP CODE 95888			
<b>Late Contribution(s) Received</b>					
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED	
10/29/XX	Juan Santos 3030 Parkway Plaza Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Accountant, Miller CPA, Inc.	\$1,500	<input type="checkbox"/> Check if Loan
10/29/XX	Megan Waters 100 Sandburg Street Playa del Sol, CA 95888	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Realtor, Waters Realty	\$2,500	<input type="checkbox"/> Check if Loan
Reason for Amendment: _____					

campaign statements (e.g., Form 460).  
**Regular mail may not be used.**

- The amount of the contribution and check the box if it was a loan.

**How to Complete Form 497**

- Enter the committee’s name, street address, city, state, zip code, and identification number.
- Indicate the date of filing this report.
- Assign a unique number to each late contribution report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.
- If this is an amendment to a report previously filed, assign a new unique identifying number as the Report Number, check the “Amendment” box, and indicate the number of the report being amended.
- For late contributions received, provide:
  - The date received;
  - The contributor’s full name and mailing address, the appropriate contributor code, and, if the contributor is an individual, his or her occupation and employer, or, if self-employed, enter the name of his or her business; and

The contributor code should accurately reflect the type of contributor from whom the committee received the contribution. For each itemized contributor, check the box indicating whether the contributor is an individual, a committee, “other” such as a business entity), or a political party. (The code “SCC” is applicable only to state candidates and committees.)

## Chapter 7 — Additional Reports

### Form 497 Page 2 Late Contributions Made

Late Contribution Report		Type or print in ink. Amounts may be rounded to whole dollars.		LATE CONTRIBUTION REPORT	
NAME OF FILER Committee to Elect Waters Mayor		Date of This Filing 10/28/20XX	Date Stamp	CALIFORNIA FORM 497 For Official Use Only	
AREA CODE/PHONE NUMBER 555/333-5432	ID. NUMBER (if applicable) 1001234	Report No. 1	<input type="checkbox"/> Amendment to Report No. _____ (explain below)		
STREET ADDRESS 10 Parkway Plaza		No. of Pages 1			
CITY Playa del Sol	STATE CA	ZIP CODE 95888			
Late Contribution(s) Made					
DATE MADE	FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CANDIDATE AND OFFICE OR MEASURE AND JURISDICTION	AMOUNT OF CONTRIBUTION	DATE OF ELECTION (IF APPLICABLE)	
10/27/XX	Stamos for Senate 1742 20th Avenue Playa del Sol, CA 95888 ID #1002244	Renaldo Stamos State Senate, Dist. 41	\$1,000	11/7/XX	

- For late contributions made, provide:
  - The date made;
  - The recipient’s full name and mailing address;
  - Office sought or held (if to a candidate);
  - Ballot measure number or letter and jurisdiction (if to a ballot measure committee); and
  - The amount of the contribution.

### Amendments

To amend a previously filed late contribution report, file a new Form 497 with the corrected information and the “Amendment” box checked. Or, disclose the required information on a piece of paper identified as an amendment. The “Report Number” of the report being amended should be included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

### Answering Your Questions

*Q. Must a candidate file a late contribution report if, during the last 16 days before the election, she transfers campaign funds from one campaign committee*

*established for a prior office to another campaign committee established for the office for which she is seeking election?*

- A. No. Transfers between or among a candidate’s own campaign committees for seeking elective office would be reported as miscellaneous increases to cash, not as contributions.
- Q. *Must a candidate file a late contribution report if, during the last 16 days before the election, he transfers campaign funds from a ballot measure committee he controls to his campaign committee?*
  - A. Yes. Both committees must file late contribution reports.
  - Q. *Our committee will receive more than one nonmonetary late contribution from the same source during the final 16 days before the election. Rather than file several reports, may our committee file one late contribution report estimating the value of all nonmonetary contributions anticipated to be received from this source during the late contribution reporting period?*
    - A. Yes. The committee may make a good faith estimate of the value that will be contributed during the period. File the late contribution report within 48 hours of

the first \$1,000 in nonmonetary contributions received. If the actual value differs from the estimated amount by 20 percent or more, amend the estimated report within 24 hours from the time you determine the correct amount.

- Q. *Is a late contribution report required when a contributor forgives a loan during the late contribution reporting period?*
- A. Yes. A loan of \$1,000 or more which is forgiven during the late contribution reporting period triggers a late contribution report.
- Q. *A candidate has two committees; one for a past election and one for the current election. If the committee for the past election receives \$1,000 or more from a single source in the late contribution period in connection with the current committee's election, does it file a late contribution report?*
- A. Yes.

## **Paid Spokesperson Report (Form 511)**

A Paid Spokesperson Report (Form 511) is filed by a committee that makes expenditures totaling \$5,000 or more for an individual's appearance in a printed, televised, or radio advertisement, or in a telephone message, to support or oppose the qualification, passage, or defeat of a state or local ballot measure. (The advertisement itself must also disclose that the individual is paid.)

**Example** *In support of a local ballot measure, your committee hires a public relations firm to produce a television advertisement. A local celebrity is paid \$5,000 or more to appear in the ad. Your committee is required to file the Form 511. In addition, the ad must state that the individual was paid to appear.*

**Form 511 must be filed in addition to any preelection or semi-annual campaign statements the candidate or committee is required to file.** Payments made to spokespersons also must be reported on the committee's next campaign statement (Form 450/460).

### **When to File**

File the Form 511 within 10 days of making or promising payments totaling \$5,000 or more to the individual that will appear in the advertisement(s).

### **Where to File**

File the Form 511 in the same locations the committee files its campaign statements.

## Chapter 7 — Additional Reports

### Form 511

Paid Spokesperson Report		Date Stamp	CALIFORNIA FORM 511 For Official Use Only
Type or print in ink. Amounts may be rounded to whole dollars.			
NAME OF FILER Committee to Elect Waters Mayor		ID # (required) 1001234	
AREA CODE/PHONE NUMBER 555/333-5432	EMAIL (optional) Brogers@jps.net	<input type="checkbox"/> Amendment (explain)	
STREET ADDRESS 10 Parkway Plaza			
CITY Playa del Sol	STATE CA	ZIP CODE 95888	
<b>Payments Made</b> Attach additional information on appropriately labeled continuation sheets.			
DATE	NAME AND ADDRESS OF SPOKESPERSON	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT
6/17/XX	Sam Malone 455 Sky Park Drive Century City, CA 90217	Save The Oceans Prop. 301, State <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	\$6,000
<b>Verification</b>			
I have used all reasonable diligence in preparing this report. I have reviewed the report 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 _____ [Date Required] DATE		By _____ [Signature Required] SIGNATURE OF TREASURER/SECRETARY/TREASURER/FILER	

## How to Complete Form 511

### Filer Information

Provide the committee's full name, street address, city, state, zip code, and telephone number. Also, list the committee's identification number, as provided by the Secretary of State.

### Payments Made

In the first column, provide the date the payments were made, or the services were received, whichever is earlier. In the second column, indicate the name and address of the individual who was paid \$5,000 or more to appear in the advertisement. In the third column, provide the name, number or letter, and jurisdiction of the ballot measure supported or opposed by the advertisement. Finally, in the last column, indicate the total amount of the expenditure.

### Verification

The Form 511 is not considered filed if it is not signed.

## Amendments

To amend a previously filed Form 511, file another Form 511. Check the "Amendment" box and give a brief description of the amendment. Enter the committee's name and address, and disclose the amended information. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. The amendment is filed in the same location(s) the original was filed.

## Special Odd-Year Report

During an odd-numbered year, a special odd-year report must be filed if the committee makes contributions totaling \$10,000 or more to **elected state officers**, their controlled committees, or committees primarily formed to support or oppose any elected state officer during the first and third quarters of the year.

The special odd-year report is filed with the committee's regular filing officer(s) on its regular campaign disclosure form(s) (Forms 450 or 460).

Period Covered	Filing Deadline
January 1 through March 31	April 30
July 1 through September 30	October 31

**Example** *Between July 1 and September 30 of an odd-numbered year, your committee contributes \$20,000 to the Governor's committee. Your committee is required to file a report covering the period July 1 through September 30, by October 31.*

### What to Report

The form is completed in the same manner as a regular preelection or semi-annual statement (see Chapter 6) and includes all of the committee's activity during the reporting period, not just contributions to elected state officers.

**Example** *County Supervisor Dominic Mesanovic is not on the ballot in 2007. During 2007, he makes four contributions on March 5 to four different assembly officeholders of \$3,000 each. Dominic's committee will file a special odd-year report on a Form 460 covering the period January 1 through March 31. The report is due no later than April 30. Dominic's special odd-year report is filed with his regular filing officers. His next statement, the semi-annual, will cover April 1 through June 30, and is due no later than July 31.*

### Answering Your Questions

- Q. *Are special odd-year reports filed for the second and fourth quarters of an odd-numbered year as well as for the first and third?*
- A. No. Semi-annual reports cover the second and fourth quarters.

Q. *Is there a special form for filing a special odd-year report?*

- A. No. Use the same forms you would ordinarily use to file preelection and semi-annual reports (Form 450 or 460).

### Communications Identifying State Candidates (Form E-530)

A committee that spends \$50,000 or more for a communication disseminated during the 45 days before an election that clearly identifies a state candidate appearing on the ballot, but does not expressly advocate the election or defeat of that candidate, must file electronically with the Secretary of State the Form E-530 within 48 hours of making a payment, or promising to make a payment, of \$50,000 or more. (Contact the Secretary of State's office at (916) 653-6224 for information on electronic filing or go to [www.sos.ca.gov](http://www.sos.ca.gov).) The report must disclose the amount and date of the payment(s), and the name of and office sought by the candidate(s) identified in the communication. In addition, if \$5,000 or more was received or promised from a single source to pay for the communication, the name, address, occupation, and employer (if applicable) of the contributor, as well as the date and amount received or promised, must be reported.

**Form E-530 must be filed in addition to any preelection or semi-annual campaign statements the candidate or committee is required to file.** Payments disclosed on Form E-530 also must be disclosed on the committee's next campaign statement (Form 450 or 460).

The report must be verified by a written "electronic filing declaration" signed, dated, and verified on the same date the report is transmitted to the Secretary of State. This declaration must be retained in the committee's records for five years following the date that the campaign report to which it

## Chapter 7 — Additional Reports

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relates is filed. The statement must include the following language:

“I have used all reasonable diligence in preparing this report 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.”

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

#### Government Code Sections

- 81004.5 *Reports and Statements; Amendments.*
- 82025 *Expenditure.*
- 82036 *Late Contribution.*
- 82036.5 *Late Independent Expenditure.*
- 82044 *Payment.*
- 84200.3 *Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year.*
- 84200.6 *Special Campaign Statements and Reports.*
- 84202.5 *Supplemental Preelection Statement.*
- 84202.7 *Time for Filing by Committees of Odd-Numbered Year Reports.*
- 84203 *Late Contribution; Reports.*
- 84203.3 *Late In-Kind Contributions.*
- 84203.5 *Supplemental Independent Expenditure Report.*
- 84204 *Late Independent Expenditures; Reports.*
- 84511 *Ballot Measure Ads; Paid Spokesperson Disclosure.*
- 85310 *Communications Identifying State Candidates.*
- 85501 *Prohibition on Independent Expenditures by Candidate Controlled Committees.*

#### Title 2 Regulations

- 18116 *Reports and Statements.*
- 18402.5 *Supplemental Pre-Election Statements.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18425 *Late Contributions; Reports.*
- 18450.11 *Spokesperson Disclosure.*
- 18531.10 *Communications Identifying State Candidates.*
- 18539.2 *Reporting Payments Pursuant to Government Code Section 85310.*

# Chapter 8

## After the Election

After the election, a candidate's future filing obligations usually are determined by whether he or she won or lost. A primarily formed committee will often choose to close its committee. However, the law does not require any local candidate or committee to terminate. This chapter addresses the reporting requirements for successful candidates, defeated candidates, primarily formed committees, and the guidelines for terminating a campaign committee.

### Successful Candidates – Future Filing Obligations for Non-Election Years

#### Filed Form 470 During Campaign

A candidate who filed the campaign statement short form, Form 470, in connection with an election may continue to file Form 470 as an officeholder, provided \$1,000 or more is not raised or spent during any calendar year. The Form 470 is due by July 31 of each year.

#### Judges and Unpaid Elected Officeholders

During non-election years, judges, unpaid elected officeholders (officeholders whose salaries from their elected positions are less than \$200 a month), and their controlled committees are not required to file Form 460 or 470 during any six-month period in which they do not receive contributions or make expenditures. (See Chapter 5.)

#### Filed Form 460 and Committee Stays Open

After the election, a successful candidate has the option of maintaining his or her committee and campaign bank account, or terminating the campaign committee and closing the bank account. An officeholder who maintains a committee may:

- Continue to receive contributions;

- Use campaign funds to offset officeholder expenses; or
- Hold funds for use in a future election. (See Chapter 1 for information on redesignating an account and committee for a future election.)

During non-election years, Form 460 is filed on a semi-annual basis as long as the committee remains open. In addition, other special reports may be required.

(Refer to Chapter 9 for a discussion on the permissible uses of campaign funds. Also, local candidates should check with their city or county for restrictions under any locally-adopted campaign rules.)

#### Closing the Committee

If no funds are left in the campaign account and the candidate will not raise additional funds, the account and campaign committee should be closed. (Form 460 must be filed indicating a zero cash balance and Form 410 to terminate the committee.)

If the committee is terminated before the end of a calendar year, the candidate must continue to file the Form 460 for the remainder of that calendar year. However, the Form 460 may be filed as both a termination statement and a semi-annual statement. The Form 470 may be filed in future years while in office.

**Example** *At the end of November, after winning her election, Arlene decides to terminate her committee. To do so, she must file a termination Form 410 and a termination Form 460 showing that the committee has no cash left. On the Form 460 Cover Page, Type of Statement section, she will mark both the termination and semi-annual boxes and enter December 31 as the*

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*closing date of the statement. Unless there is additional activity, Arlene is not required to file a semi-annual report on January 31, and may file Form 470 on July 31.*

\$5,000 or more in a calendar year in connection with one or more such events, the co-sponsoring elected official must file a special report disclosing the payment(s).

REPORT OF PAYMENT FOR LEGISLATIVE, GOVERNMENTAL, OR CHARITABLE PURPOSES	
Pursuant to Government Code Section 82015, the following is a notice that a payment or payments aggregating \$5,000 or more has been made principally for legislative, governmental, or charitable purposes in coordination with or at the request of the official listed below.	
Name of Official	<u>Marshall Travers</u>
Agency Address	<u>City Hall 234 First Street, Oakmont, CA 95443</u>
Date(s) of Payment(s)	<u>June 24, 20XX</u>
Name of Payor	<u>Wildwood Insurance Company</u>
Address of Payor	<u>1253 Main Street, Oakmont, CA 95433</u>
Amount(s) of Payment(s)	<u>\$5,000</u>
Name of Payee	<u>Boys and Girls Club of California</u>
Address of Payee	<u>555 10th Street, Sacramento, CA 95814</u>
Description of Goods Or Services Provided	<u>Charitable Donation</u>
Specific Legislative, Governmental, or Charitable Purpose	<u>Charitable Fundraiser</u>
Date: <u>7/1/XX</u>	<u>[Signature Required]</u> Signature of Elected Official

The report is required to be filed with the elected official's agency within 30 days following the date of the payment and is a public record. The report then must be forwarded to the filing officer who receives the elected official's campaign statements.

The report also must be filed by an elected official if an individual or entity donates \$5,000 or more in a calendar year to charitable organizations or events at the request of the elected official.

There is no specific form for reporting co-sponsored payments. The report must contain all of the information shown in the example above.

### Co-Sponsored Payment Reports

Elected officials often co-sponsor charitable, governmental, or legislative events with outside sources. Examples might include a job fair or a conference on health or educational issues co-sponsored by an elected official and business or non-profit entities.

Payments made by outside sources in connection with these events generally are not considered gifts or contributions to the elected official who is co-sponsoring the event, although meals, lodging, and travel payments received by an official in connection with a co-sponsored event may be reportable gifts. If an outside source pays

**Example** *At the mayor's request, a catering establishment donated refreshments for a city sponsored job faire. The cost exceeded \$5,000. The mayor must file a report with the city clerk.*

### Defeated Candidates – Future Filing Obligations

#### Form 470 Filers

A candidate who filed the campaign statement short form, Form 470, has no further reporting obligations after the election as long as less than \$1,000 was raised or spent during the calendar year.

## Form 460 Filers

There is no deadline for terminating the committee or disposing of remaining funds. Form 460 continues to be filed on a semi-annual basis as long as the committee remains open. In addition, other special reports may be required. (See Chapter 7.)

To use money remaining in the campaign bank account for a future election to the same office, a candidate must file a new Candidate Intention Statement, Form 501 and amend the Statement of Organization, Form 410. To use the funds for election to a different office, the candidate must file a new Form 501, open a new campaign bank account, and file a new Form 410 for the future election. **In either event, this must be done no later than the closing date for the post-election filing period or the date of leaving office (defeated incumbents), whichever occurs last, or the funds will become “surplus” campaign funds and be subject to restrictions.** (See Chapter 9.)

**Example** *John Davis lost the city council election in June. John has \$3,500 remaining in his campaign bank account and is considering seeking another city council position in two years. In order to use the remaining \$3,500 for the future election, John must file a new Candidate Intention Statement, Form 501, and redesignate the bank account to a future election by amending his Statement of Organization, Form 410, to indicate the new office sought and year of election. This must be done no later than June 30, which is the end of the post-election reporting period for an election held during the first six months of the year.*

## Primarily Formed Committees – Future Filing Obligations

Generally, a committee established primarily to support or oppose a particular candidate(s)

will terminate after the election. However, the committee may remain open to:

- Raise funds to pay debts.
- Support or oppose other candidates or measures. The committee will need to amend its Statement of Organization (Form 410) to reflect the change in committee type.

**Example** *After the election, the committee primarily formed to support candidate Jones decides to support candidate Lopez in the next election. In order to do so, it will amend its Statement of Organization.*

Form 460, 450, or 425 must be filed on a semi-annual basis as long as the committee remains open. Preelection statements and other special reports may be required depending on the committee's activities.

## Termination

There is no deadline for terminating a committee controlled by a local candidate or officeholder unless the controlling candidate/officeholder becomes a state officeholder (in which case, refer to FPPC's Information Manual for State Candidates (Manual 1) for termination requirements). Primarily formed committees also do not have a deadline to terminate. However, the committee, by its nature, may need to change its committee status if it remains open after the election.

### **A committee may terminate only if the committee:**

- Has ceased receiving contributions or making expenditures and does not anticipate receiving contributions or making expenditures in the future;
- Has no remaining campaign funds;
- Has filed all required campaign statements, disclosing all reportable transactions, including the disposition of leftover funds; and

- Has eliminated all debts, or has no intention or ability to discharge debts.

Use the Form 410 to terminate the committee. Check the “Termination” box, and report the committee’s identification number and the date of termination; the date of termination generally is the date all funds have been expended. In addition, identify the name of the committee and have the treasurer or assistant treasurer sign the verification. If this is a controlled committee, the controlling officeholder(s)/candidate(s) also signs the verification.

Form 450 or 460 also must be filed showing that all funds have been expended and the committee has no cash on hand. Check the “Termination” box on the cover page.

File the original and a copy of the Form 410 with the Secretary of State and a copy with the committee’s local filing official. File the Form 450 or 460 in the committee’s regular filing locations. (See Chapter 5.)

### Answering Your Questions

- Q. *May I terminate my committee even if I have outstanding debt owing to creditors?*
- A. Yes. When you file your termination statements showing outstanding debt, you are declaring that you do not have the ability to discharge debts, loans, or other obligations. However, if you plan to raise additional funds, or pay the outstanding debt with personal funds, you may not terminate.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

- 82015 *Contribution.*
- 84103 *Statement of Organization; Amendment.*
- 84200 *Semi-Annual Statements.*
- 84206 *Candidates Who Receive or Spend Less than \$1,000.*
- 84214 *Termination.*

### Title 2 Regulations

- 18215 *Contribution.*
- 18404 *Termination of Candidate’s and Committees’ Filing Requirements.*
- 18406 *Short Form for Candidates or Officeholders Who Receive and Spend Less than \$1,000 in a Calendar Year.*
- 18426 *Semi-Annual Statement Early Filing.*

# Chapter 9

## Restrictions

Although the Political Reform Act is primarily a disclosure law, there are several important restrictions and prohibitions on receiving contributions and spending campaign funds. This chapter reviews these restrictions and prohibitions, as well as some that are contained in laws other than the Political Reform Act.

In addition, while the receipt of campaign contributions generally will not create a conflict of interest for an elected officeholder in the performance of his or her elected duties, contributions may be the source of a conflict of interest for officeholders or candidates who are also appointed to boards or commissions. The section on “Disqualification and Campaign Contributions” covers this area of the law.

### Restrictions on Contributions

#### Laundered Funds

If a contribution of \$100 or more is received from a single source in a calendar year, the source must be identified on the committee’s Form 460. If a contribution is received through an intermediary, both the intermediary and the true source of the contribution must be identified. If the information for both the true source and the intermediary are not provided, this is considered laundering, a serious violation of the Political Reform Act. Any laundered contributions must be paid to the Secretary of State for deposit in the state general fund. If required under local rules, the funds may be deposited in the general fund of the local jurisdiction.

**(Example)** *Barry owns a music store and supports Julie’s campaign for city council. Since Barry was going to be out of town when Julie was holding a fundraiser, he asked an employee of his to attend on*

*behalf of the store. The employee attended the fundraiser using a personal check to pay \$100. Upon his return, Barry reimbursed the employee the \$100. At the time the employee made the contribution to the campaign, he informed them that Barry’s music store was the true source of the funds. Julie’s campaign report must itemize both Barry’s store and the employee. The name of Barry’s store and its address, along with the employee’s name, address, occupation, and employer are reported.*

*Barry’s employee attended another fundraiser for Julie, but this time Barry wrote a company check to the campaign, which the employee used to attend the fundraiser. In this case, Julie’s campaign report must only report Barry’s store as the source of the contribution; the employee is not an intermediary.*

#### Cash

The committee may not accept a cash contribution of \$100 or more. Such a contribution may be returned to the contributor prior to the end of the reporting period, provided the cash was not previously deposited or spent. A cash contribution that is inadvertently deposited into the campaign bank account must be refunded within 72 hours of receipt, except a cash contribution of \$1,000 or more from a single source made during the late contribution reporting period (the last 16 days before the election) must be returned to the contributor within 48 hours of receipt.

#### Anonymous

Anonymous contributions of \$100 or more are prohibited. If the committee receives a cash contribution of \$100 or more from an unknown source, it must be sent to the Secretary of State for deposit in the state’s General Fund.

### **Commingling**

Campaign funds may not be commingled with an individual's personal funds and may not be used for personal expenses. Campaign funds must be kept in an account separate from any account which contains personal funds.

### **Money Orders/Cashier's Checks/Traveler's Cheques**

All monetary contributions of \$100 or more must be made by written instrument (such as a check) containing the name of the donor and drawn from the account of the donor or the intermediary. Contributions of \$100 or more made by money order, cashier's check, or traveler's cheque are prohibited and must be returned to the contributor, or, if made anonymously, sent to the Secretary of State for deposit in the state's general fund.

### **Legal Name**

Contributions must be made in the name by which the contributor is identified for legal purposes.

### **Delivered in State Office Buildings**

A contribution may not be received, or delivered to another person, personally or through an agent, in the State Capitol or any other state office building for which the State of California pays the majority of the rent.

This prohibition does not apply to contributions received or delivered in a legislative district office or through the mail.

### **From Foreign Nationals, National Banks, and National Corporations**

Committees may not receive contributions from foreign nationals, national banks, or national corporations. The Federal Election Campaign Act (2 U.S.C. Section 441b) prohibits contributions from national banks and national corporations (corporations established by an Act of Congress) in connection with any local, state, or federal election to political office.

For further information, the Federal Election Commission may be contacted at (800) 424-9530 ([www.fec.gov](http://www.fec.gov)).

### **From State Lobbyists**

State lobbyists may not contribute to a state officeholder or candidate's campaign if the lobbyist is registered to lobby the agency of the elected officer or the agency to which the candidate is seeking election. The lobbyist also may not contribute to a local committee controlled by a state candidate.

### **Misuse of Public Resources**

The Political Reform Act prohibits public financing of campaigns, except for elections in charter cities and counties.

In addition, laws outside the Act prohibit the use of public resources, such as office equipment, staff time, etc., for campaign or personal purposes. (Gov. Code Section 8314; Penal Code Section 426.)

Government Code Section 54964 prohibits an officer, employee or consultant of a local agency from expending or authorizing the expenditure of any local agency funds to support or oppose a ballot measure or a candidate.

For further information on laws outside the Act, contact the Attorney General's office at (800) 952-5225 or your district attorney.

### **Soliciting Contributions from Public Employees**

Government Code Section 3205 prohibits a local candidate from knowingly, directly or indirectly, soliciting a political contribution from any employees of his or her agency or from a person on an employment list of that agency. There is an exception for solicitations that are made to a significant segment of the public. For further information, contact the Attorney General's office at (800) 952-5225 or your district attorney.

## Use of Campaign Funds and Surplus Campaign Funds

To ensure that campaign funds are not used for personal benefit, the expenditure of campaign funds must be *reasonably* related to a *political, legislative, or governmental* purpose. An expenditure must be *directly* related to a political, legislative, or governmental purpose if it confers a substantial personal benefit on the candidate or elected officer, a member of their household, or any individual authorized to approve campaign expenditures.

**Example** *Kathi Sonenfeld for Supervisor Committee buys pizzas for its volunteers every Thursday when a group gathers to stuff envelopes for the campaign. This is allowed, since there is a political purpose for this expenditure.*

*Kathi has decided to enter a Master's degree program at her local college. While the program may enhance her qualifications as a candidate, she may not use campaign funds for this purpose; a Master's degree would confer a personal benefit to her that is not considered directly related to a political, legislative, or governmental purpose.*

After an election, a successful candidate may use left over campaign funds for officeholder expenses or for a future election. **Campaign funds held by officeholders who leave office or by defeated candidates are subject to the “surplus funds” restrictions discussed below.** Equipment and other non-cash assets held by a candidate or committee may not be used for personal purposes.

**Example** *Following the election, unsuccessful candidate Robin Welles decides to give the committee's computer to his son. Because the computer was purchased with campaign funds, Welles must purchase the computer from the*

*committee, at fair market value, in order to do this.*

### Election Night Celebrations

Costs associated with election night celebrations or similar campaign events may be paid by the committee.

### Attorneys' Fees

Generally, attorneys' fees and other costs related to administrative, civil, or criminal litigation may not be paid with campaign funds. However, there are exceptions. Some expenses that may be paid with campaign funds include:

- Action to halt defamation;
- Defense of an action to halt defamation;
- Defense of an action for violation of state or local campaign, disclosure, or election laws;
- Litigation to secure a place on the ballot or challenge the wording of the ballot pamphlet;
- Contested election;
- Election recount; and
- Compliance expenses (for example, completing campaign disclosure reports).

### Reimbursements

If a bank account is required (see Chapter 4), the candidate must deposit personal funds in the campaign bank account and make expenditures from that account instead of spending personal funds for the campaign and later seeking reimbursement from campaign funds. However, any other individual may make expenses from personal funds and be reimbursed, as long as the expenses are incurred for political, legislative, or governmental purposes and repayment is made within 45 days. In addition, an officeholder may use personal funds and be reimbursed for “officeholder” expenses. (See Chapter 6 for specific

reporting rules and deadlines for reimbursements.)

**Example** *The candidate's spouse buys a roll of stamps for the campaign at the post office using a personal check. In addition, he frequently buys bagels for the morning shift of volunteer workers. After providing the treasurer with a receipt for the stamps and bagels, the treasurer may reimburse the spouse for his expenses.*

### Automobile Expenses

**Lease or Purchase:** When making payments associated with leasing, purchasing, or operating a vehicle, such as insurance, maintenance, and repairs, the campaign committee must be the lessee or hold title to the vehicle. Additional titleholders may not be the candidate, officeholder, treasurer, or any other person who may approve campaign expenditures, or a member of any such person's immediate family (spouse or registered domestic partner and dependent children). Additional lessees may not be the candidate, officeholder, treasurer, or a member of any of these persons' immediate family.

**Reimbursed Automobile Expenses:** An officeholder, candidate, or immediate family member, committee staff, and staff of an elected officer's governmental agency may be reimbursed by the committee for use of a personal vehicle if the use is directly related to a political, legislative, or governmental purpose. Documentation should be kept which includes the trip's purpose and mileage in a manner approved by the Internal Revenue Service for deducting mileage expenses. The rate for reimbursement may not exceed that allowed under Internal Revenue Code Section 162. For more details, the Internal Revenue Service may be contacted at (800) 829-1040 ([www.irs.ustreas.gov](http://www.irs.ustreas.gov)).

### Clothing

Clothing is a personal expense. The committee may NOT pay for a candidate's business or casual clothing. Specialty clothing, such as formal wear worn by an officeholder or candidate, may be purchased with campaign funds if the use of such clothing is directly related to a political, legislative, or governmental purpose.

**Example** *A candidate has been asked to attend a formal event honoring the mayor. Since he does not own a tuxedo, he may rent one with campaign funds.*

### Contributions to Other Candidates and Committees

Candidates may make contributions to other candidates and committees unless prohibited by local rules. Contributions to certain state committees are subject to limitations.

### Donations

Campaign funds may be used to make donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, non-profit organizations. The donation or loan must be reasonably related to a political, legislative, or governmental purpose. In addition, the donation may not personally benefit the officeholder, candidate, committee treasurer, or any individual with authority to approve the expenditures of campaign funds, or any such person's immediate family member (spouse or registered domestic partner and dependent children).

**Examples** *A controlled committee wants to contribute to a homeless shelter. However, since the candidate's husband draws a salary from the shelter and it is determined that a substantial part of the proceeds would benefit him, this expenditure by the committee is not allowed.*

*A fundraiser is held to raise funds for a veteran's memorial at the local civic center. The committee is permitted to contribute because the payment has a political, legislative, or governmental purpose.*

### Equipment and Appliances

Campaign funds may be used to buy, lease, or refurbish equipment or appliances, but only if their use is directly related to a political, legislative, or governmental purpose. As with restrictions on vehicles, the committee must hold title, or be the lessee, on the equipment; no individual may be listed as owner or lessee.

**Example** *When the printer breaks down, the treasurer goes out and buys a new one. While shopping, the treasurer finds a great buy on a big screen TV. While the printer is a permissible expense, since it will be used to communicate with the voters, the television does not serve a directly-related political, legislative, or governmental purpose and, therefore, may not be paid for with campaign funds.*

### Food

A campaign may pay for a meal when the expenditure is \$200 or less as long as the expense is reasonably related to a political, legislative, or governmental purpose. However, if the aggregate cost of the meal is more than \$200, the expense must be directly related to one of these purposes.

**Example** *An officeholder attends a dinner sponsored by the police department to honor a local good Samaritan. Since the expenditure is directly related to a governmental purpose, the campaign may pay for her attendance, even though the total cost is over \$200.*

### Fines, Penalties, Judgments, and Settlements

Only the following fines, penalties, judgments, and settlements may be paid with campaign funds:

- Parking citations received while performing political, legislative, or governmental activities.
- Fines assessed in relation to situations in which the use of campaign funds to pay for an attorney is allowed (discussed above).
- Fines imposed for late filing of campaign statements and Statements of Economic Interests (Form 700).

**Example** *Your treasurer was two days late in filing the committee's first preelection statement and the filing officer fined the committee \$20. The committee may pay the fine with campaign funds.*

### Gifts

Unless directly related to a political, legislative, or governmental purpose, personal gifts may not be paid for from campaign funds. However, as long as no one individual receives a total of \$250 or more in a calendar year, gifts to campaign employees or workers are permitted because they are considered directly related to a political, legislative, or governmental purpose. If the campaign pays for a gift to a member of the immediate family (spouse or registered domestic partner and dependent children) of a campaign employee or worker, it should be considered a gift to the employee or worker when calculating whether the \$250 per person limit has been met.

### Health-Related Expenses

A committee may pay for health care benefits for its employees or independent contractors. However, no other health-related expenses

may be paid with campaign funds; a committee may not pay for the candidate's health club dues, special dietary foods, or medical check-ups.

### Independent Expenditures

Candidates are prohibited from using campaign funds to make independent expenditures to support or oppose other candidates, or to make contributions to other committees for the purpose of making independent expenditures to support or oppose other candidates.

### Loans

Campaign funds may be loaned to other political committees. (Loans to state candidate committees are subject to limits. Transfers from a local candidate's committee to his or her state committee must be attributed to the original contributors. See the information manual for state candidates for more information on transfers and attribution.) In addition, campaign funds may be used to make loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, non-profit organizations. However, the loan may not personally benefit the officeholder, candidate, committee treasurer, or any individual with authority to approve the expenditure of campaign funds, or any such person's immediate family member. The loan must be reasonably related to a political, legislative, or governmental purpose. Campaign funds may not be loaned to an individual or to an entity other than those described above.

### Professional Services

When the committee reasonably requires the services of professionals, such as an accountant or attorney, their fees may be paid with campaign funds. (See below for restrictions on salary and compensation paid to a candidate or officeholder.)

### Real Property

The committee may not purchase real property. It may, however, lease property for up to one year, as long as its use is directly related to a political, legislative, or governmental purpose. Neither the candidate or officeholder, committee treasurer, any individual with authority to approve the committee's expenditures, or an immediate family member of any of these persons may be a lessee or sublessor, or hold legal title to the leased property.

### Refunding Contributions

The return of contributions to contributors is permitted.

### Returning Contributions Lacking Contributor Information

When a contribution of \$100 or more in a calendar year is received from a single contributor, the committee must report the contributor's name and address, and, if the contributor is an individual, his or her occupation and employer. If the committee does not have this information in its records within 60 days of receipt of the contribution, it must be returned.

### Salary and Compensation

The candidate or officeholder, or any individual authorized to approve the committee's expenditures, may not receive a salary or other compensation from the committee for the performance of political, legislative, or governmental activities. The committee may pay for professional services such as an accountant, however, even if the accountant has authority to sign committee checks.

**Example** *Paula Greene, a member of Supervisor Howard's staff, also is the treasurer of the Supervisor's campaign committee. Ms. Greene does all recordkeeping for the committee and completes the committee's campaign*

*reports. She also has authority to approve committee expenditures. Campaign funds may be used to pay Ms. Greene for services she provides as committee treasurer. Funds may not be used to supplement or pay her government salary.*

### Security Systems

A candidate may use campaign funds to purchase an electronic security system. To do so, the candidate must have received threats to his or her physical safety because of his or her status as a candidate or elected official and the incidents must be verified by an appropriate law enforcement agency. No more than \$5,000 may be spent and a report to the FPPC is required.

### Tickets for Entertainment and Sporting Events

The committee may purchase entertainment and sporting event tickets for use by the candidate or officeholder, or officer, director, employee, or staff of the committee, as long as attendance is directly related to a political, legislative, or governmental purpose.

**Example** *Candidates for the office of mayor have been offered the chance to speak during half-time at the local college football game. Campaign funds may be used to purchase tickets for the candidates and committee staff to attend, but only because they will be speaking.*

### Tickets to Political Fundraisers

A committee may purchase tickets to political fundraisers (subject to any applicable contribution limits) for the candidate or officeholder, or officer, director, employee, or staff of the committee.

### Travel

A committee that pays for travel or accommodations for the candidate or officeholder, any individual with authority to

approve the committee's expenditures, or employees or staff of the committee must comply with the standards set by Internal Revenue Code Sections 162 and 274 (deduction of travel expenses for tax purposes). The Internal Revenue Service may be contacted at (800) 829-1040 or [www.irs.gov](http://www.irs.gov) for more information.

### Airline Mileage Programs

Some airlines have mileage programs that allow individuals to earn free tickets or other awards. These mileage credits and awards belong to the individual traveler, not the committee. The committee is not required to report either the receipt of the mileage credit awards or the redemption of the credits.

### Use of Surplus Funds

There are restrictions on how campaign funds held by an elected officeholder or candidate may be spent once the funds become "surplus." Surplus funds may not be used for a future election. See Chapter 1 for information about using campaign funds for a future election before they become surplus.

Campaign funds held by an officeholder become surplus when the officeholder leaves the office for which the funds were raised, or at the end of the semi-annual reporting period following his or her defeat, whichever occurs last. Campaign funds held by a nonincumbent defeated candidate or a candidate who withdraws from an election become surplus at the end of the semi-annual reporting period following the election. (The end of the semi-annual reporting period is June 30 for elections held during the first six months of the calendar year, and December 31 for elections held during the last six months of the calendar year.) If a candidate or officeholder dies, campaign funds held by the candidate or officeholder become surplus on the earlier of either June 30 or December 31 following his or her death.

### **Surplus funds may only be spent in the following manner:**

- Payment of outstanding campaign debts or officeholder expenses;
- Refunds to contributors;
- Donation to a bona fide charitable, educational, civic, religious, or similar tax-exempt, non-profit organization, provided no substantial part of the proceeds will have a material financial effect on the candidate, on any member of the candidate's immediate family (spouse or registered domestic partner and children), or the campaign treasurer;
- Contributions to a political party or committee, so long as the funds are not used to make contributions in support of or opposition to a candidate for elective office. (The funds must be used for the party's or committee's overhead expenses.)
- Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure;
- Payment for professional services or attorneys' fees for litigation which arises out of campaign or election activities; or
- Payment for an electronic security system. Contact the FPPC for information about specific requirements that must be met.

### **Answering Your Questions**

- Q. *I am a candidate for a local office. It appears that I won't have any problem winning my seat. I would like to return some of my contributions to my contributors. May I do this?*
- A. You may return to each individual contributor up to the total amount they contributed any time during the campaign.
- Q. *I am a candidate. I make long-distance*

*phone calls on my home phone to request support from organizations statewide. How may I pay for them?*

- A. When the bill arrives, calculate the portion that is campaign-related. Have the committee write a check for that portion directly to the phone company; do not pay the bill out of personal funds and get reimbursed.
- Q. *Very often, I need to get a babysitter for those evenings that I am out campaigning. May I use campaign funds to pay a babysitter?*
- A. You may use campaign funds to pay a babysitter, but only up to \$200 per event.
- Q. *As a candidate, I will be using my personal car to get around during the campaign. Is mileage considered a reportable contribution if I do not want to be reimbursed?*
- A. No. Incidental use of your personal car for campaign purposes is not considered a contribution and is not reportable.
- Q. *May I use campaign funds to have an additional telephone line put in my home?*
- A. Yes, as long as the additional phone line is used for campaign purposes only. If, after the campaign, you choose to retain the additional phone line for personal purposes, you must pay the campaign what it would cost to install an additional line at that time.
- Q. *Is it permissible to use campaign funds to pay an independent contractor (e.g., the campaign consultant) additional money if I win my election?*
- A. Yes, under the Act you may use campaign funds to pay a contractor for fees that are part of the written contract.
- Q. *May I host a victory party or give bonuses to my campaign workers?*

- A. Yes. In most cases, the bonuses would be considered gifts and would be limited to \$250 per calendar year.
- Q. *I lost my election and have funds remaining. May I use my excess funds to run again in two years?*
- A. If you wish to use funds left over from an unsuccessful race for a future election to the same office, file a new Form 501 and amend your existing Form 410 before the end of the post-election reporting period. If you plan to run for a different office, file a new Form 501 and transfer the funds to a new campaign bank account, for which you must file a new Form 410. If you do nothing, the campaign funds will become “surplus” at the end of the post-election reporting period and may not be used to run for office.
- Q. *I withdrew my name from the election. When do my funds become “surplus?”*
- A. Even though you withdrew your name, you are treated the same as a defeated candidate. Your funds will become “surplus” unless they are redesignated for a future election by the end of the semi-annual reporting period in which the election occurs.

## Disqualification and Campaign Contributions

Generally, campaign contributions received in connection with an elective office cannot serve as the basis for disqualifying the official from voting on a matter affecting the contributor. However, if the official holds an appointed position and receives contributions for an elective office, he or she may be subject to the provisions of Government Code Section 84308 which:

- Prohibits soliciting, directing, or receiving campaign contributions in excess of \$250 from parties, participants, or their agents during proceedings regarding licenses,

permits, or other entitlements for use, or for 90 days after the decision.

- Requires disclosure of all such campaign contributions and also requires an official’s disqualification from making decisions in certain proceedings in which the official is acting in an appointed position if more than \$250 in campaign contributions has been received from a party or participant within 12 months preceding the decision.

**Example** *Three city councilmembers and two county supervisors serve on the Local Agency Formation Commission. Since the councilmembers and supervisors were appointed to the commission, they may not vote on a LAFCO issue if they have received a contribution in the last 12 months of more than \$250 from someone who is a party, participant, or agent in the proceeding.*

### Who is Covered?

Generally, appointed board members, commissioners, or individuals who head state or local government agencies and who make decisions in proceedings involving licenses, permits, or other entitlements for use are subject to Section 84308. Common positions include:

- Planning Commissioners
- Local Agency Formation Commission (LAFCO) members
- Members of redevelopment agencies which are not entirely comprised of elected members of the same agency
- Transportation Authority members
- Air Quality Management District members
- Waste Management Authority members
- California Coastal Commissioners

**Example** *Sarah Fisher is a candidate for the Williamson City Council. She also is an appointed member of the Williamson Planning Commission.*

*Christopher Bradley has a permit request pending before the planning commission. Under Section 84308, Sarah is prohibited from soliciting or receiving any contribution of more than \$250 from Christopher or Christopher's agent.*

*Sarah Fisher was elected to the Williamson City Council and resigned her position on the Williamson Planning Commission. Since she is now serving solely in an elected position, she is not required to disqualify herself from making decisions on the Williamson City Council by virtue of receiving contributions of more than \$250 from any person.*

### Exempted Agencies

Section 84308 does not apply to the following agencies:

- Judicial branch
- Legislature
- Board of Equalization (Gov. Code Section 15626 applies)
- Constitutional officers
- Local agencies whose members are elected by the voters (e.g., board of supervisors, city council, or school board)
- Committees of an agency that are comprised solely of elected members of the same agency (e.g., city councilmembers who serve on the city's budget and finance committee)
- Elected members of an agency, all of whom also serve as the governing body of another agency (i.e., city councilmembers who also serve on the city's redevelopment agency board)

Section 84308 specifically prohibits officers from soliciting, accepting, or directing campaign contributions of more than \$250 from any party, participant, or agent of a party or participant while a proceeding is pending before the officer's agency and for 90 days following the decision. This

prohibition applies even when the contribution is for another candidate.

**Example** Sunny Shine, a planning commissioner, serves as the treasurer for Councilmember Claude E. Sky's campaign. Sunny may not solicit, accept, or direct a campaign contribution of more than \$250 for Claude's campaign from a party, participant, or agent whose proceeding is pending before the planning commission.

The FPPC's fact sheet entitled "Campaign Contributions May Cause Conflicts for Appointees and Commissioners" may be consulted for further information concerning Section 84308.

### Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

### Government Code Sections

82025	<i>Expenditure.</i>
82044	<i>Payment.</i>
84300	<i>Cash and In-Kind Contributions; Cash Expenditures.</i>
84301	<i>Contributions Made Under Legal Name.</i>
84302	<i>Contributions by Intermediary or Agent.</i>
84304	<i>Anonymous Contributions.</i>
84307	<i>Commingling with Personal Funds.</i>
84308	<i>Contributions to Officers; Disqualification.</i>
84309	<i>Transmittal of Campaign Contributions in State Office Buildings.</i>
85201	<i>Campaign Bank Account.</i>
85501	<i>Prohibition on Independent Expenditures by Candidate Controlled Committees.</i>
85700	<i>Donor Information Requirements; Return of Contributions.</i>
85701	<i>Disgorgement of Laundered Contributions.</i>

- 85702 *Contributions from Lobbyists.*
- 85704 *Prohibition on Earmarking.*
- 89510 *Acceptable Contributions.*
- 89511 *Campaign Funds Held by Candidates and Committees.*
- 89511.5 *Use of Personal Funds for Incumbent Elected Officers.*
- 89512 *Expenditures Associated with Seeking or Holding Office.*
- 89513 *Use of Campaign Funds for Specific Activities.*
- 89514 *Use of Campaign Funds for Attorney's Fees.*
- 89515 *Use of Campaign Funds for Donations and Loans.*
- 89516 *Use of Campaign Funds for Vehicle Expenses.*
- 89517 *Use of Campaign Funds for Real Property, Appliances or Equipment.*
- 89517.5 *Use of Campaign Funds for Security System.*
- 89518 *Use of Campaign Funds for Compensation.*
- 89519 *Use of Surplus Campaign Funds.*

**Title 2 Regulations**

- 18432.5 *Intermediary.*
- 18438.1 *Officers and Agencies Under Government Code Section 84308.*
- 18438.5 *Aggregated Contributions Under Government Code Section 84308.*
- 18438.6 *Solicitation, Direction, and Receipt of Contributions Under Government Code Section 84308.*
- 18438.7 *Prohibitions and Disqualification Under Government Code Section 84308.*
- 18438.8 *Disclosure Under Government Code Section 84308.*
- 18439 *Definition of "Personally Deliver."*
- 18526 *Reimbursement of Expenditures.*
- 18570 *Return of Contributions with Insufficient Donor Information.*
- 18572 *Lobbyist Contributions – Making a Contribution Defined.*
- 18951 *Surplus Funds.*
- 18960 *Direct Personal Benefit Defined.*
- 18961 *Incidental Use.*

# Appendix 1

## Definitions

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### Candidate

(Sections 82007; 84214)

An individual becomes a candidate in California under the following circumstances:

- The individual's name is listed on a primary, general, special, or recall election ballot; or
- The individual is qualified to have election officials count write-in votes on his or her behalf for nomination or election to any state or local elective office.

An individual who receives a contribution or makes an expenditure (or gives consent for any other person to receive a contribution or make an expenditure) for his or her nomination or election to any state or local elective office also is a candidate under the Political Reform Act, even if:

- The specific elective office the individual will seek is not known when the contribution is received or the expenditure is made. (However, Section 85200 requires the candidate to provide this information (Form 501) prior to receiving any contributions or making any expenditures.)
- The individual has not announced his or her candidacy.
- A declaration of candidacy has not been filed.

An elected officeholder also is considered to be a candidate under the Act.

Individuals running for federal office, such as United States President, Senator, or Representative, are not candidates under the Act.

An individual retains his or her status as a candidate (even if defeated in an election) until all campaign activity requiring disclosure has ended. A controlled committee must file

a Statement of Organization, Form 410, with the "Termination" box checked.

### Contribution

(Section 82015; Regulations 18215 and 18225.7)

A contribution is 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, unless it is clear from the surrounding circumstances that it is not made for political purposes. A payment 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 payment.

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 made in cooperation, consultation, coordination, or concert with, or at the request or suggestion of the officeholder, candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

### Election Activities

Payments for the following election-related activities are considered to be related to a candidate's candidacy for office:

- Communications that contain express advocacy for the nomination or election of the candidate or the defeat of his or her opponent.
- Communications that contain reference to the candidate's candidacy, the candidate's election campaign, or the candidate or his

## Appendix 1 — Definitions

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or her opponent's qualifications for elective office.

- Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.
- Arranging, coordinating, developing, writing, distributing, preparing, or planning of any election-related communication or activity.
- Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.
- Preparing campaign budgets.
- Preparing campaign finance disclosure statements.
- Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy for the nomination or election of the candidate or the defeat of his or her opponent.

### Common Contributions

- Tickets purchased for political events such as dinners, luncheons, rallies, and similar fundraising events.
- The officeholder or candidate's own money or property.
- Discounts or rebates not generally extended to the public.
- Television, radio, or newspaper discounts or rebates not equally extended to all candidates for the same office.
- Payments made by any person for the services of another person rendered on behalf of a candidate or committee. However, if an individual is paid by his or her employer, those payments are not contributions unless employees spend more than 10% of their compensated time during a calendar month working on

behalf of an officeholder, candidate, or committee.

- Transfer of anything of value a committee receives from another committee, unless the committee pays the fair market value.

### Contributions; Exceptions

- A home or office meeting or fundraising event held in an occupant's home or office, if the total costs for the meeting or event are \$500 or less. If more than \$500 is spent, the total amount is a contribution.
- Any individual's volunteered personal services or payments for his or her own travel expenses if the payments are made voluntarily and without any understanding or agreement that the individual will be repaid or reimbursed.
- A candidate's personal funds used to pay a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code.
- Certain payments made principally for legislative, governmental, or charitable purposes (co-sponsored events) unrelated to a candidate's candidacy for elective office.
- Gifts made principally for personal purposes unrelated to a candidate's candidacy for elective office.
- 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.
- A payment made at the behest of a candidate for a communication that does not expressly advocate for the candidate; does not refer to the candidate's candidacy for elective office, the

candidate's election campaign, or the candidate's or his or her opponent's qualifications for office; and does not solicit contributions to assist in the candidate's campaign.

- A payment made by a candidate or committee for another candidate to attend the paying candidate or committee's fundraiser.
- A payment made by a candidate to let voters know that another candidate has endorsed him or her, except that no express advocacy may be made on behalf of the endorsing candidate, or opposition to his or her opponent. (See Chapter 3 for the definition of "express advocacy.")
- A payment made by a ballot measure committee telling the voters which candidates support or oppose the ballot measure, as long as there is no express advocacy on behalf of the endorsing candidate, or opposition to his or her opponent.
- Payments for a news story, commentary, or editorial by a regularly-published newspaper, magazine, or other periodical of general circulation which routinely carries news articles, and commentary of general interest.
- Payments for a news story, commentary, or editorial by a federally-regulated broadcast outlet (radio or television).
- A payment by an organization for its regularly-published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, or other affiliated individuals, and those who request or purchase the publication. This regulatory exception has been largely subsumed by a broader statutory provision concerning communications by an organization to its members (See Member Communications, below).
- A payment for a debate or other forum sponsored by a nonpartisan organization in which at least two candidates appearing on the ballot for the same elective office are invited to participate.
- A payment for a debate or other forum in which the proponent of a ballot measure and at least one opponent, or their respective representatives, are invited to participate in equal numbers.
- A payment for a debate or other forum sponsored by a political party or affiliated committee in which a majority of the candidates for that party's nomination are invited to participate.
- A payment made by a bona fide service, social, business, trade, union, or professional organization or group for reasonable overhead expenses associated with the organization's regularly-scheduled meeting at which a candidate or an individual representing either side of a ballot measure speaks, if the organization pays no additional costs in connection with the speaker's attendance.
- A payment made by a candidate for a communication in support of or opposition to a ballot measure, if the communication features the endorsing candidate or clearly identifies him or her as the sponsor of the communication. This exception does not include a monetary contribution from a candidate or his or her controlled committee to a ballot measure committee.
- A payment by a sponsoring organization for the establishment and administration of a sponsored committee, provided such payments are reported. Any monetary payment made to the sponsored committee shall be made by separate instrument. "Establishment and administration" means the cost of office space, phones, salaries, utilities, supplies, legal and accounting fees, and other

## Appendix 1 — Definitions

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expenses incurred in setting up and running a sponsored committee.

- When a candidate requests that someone else make a contribution to another candidate or committee not controlled by the candidate making the request, a contribution has not been made to the candidate making the request.
- Payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure, provided these payments are not made for general public advertising, such as broadcasting, billboards, and newspaper advertisements. However, such payments are reportable if made by an existing committee (e.g., an organization's sponsored committee). In addition, political party committees must report payments for communications to their members in the same manner as contributions and independent expenditures.

### **Controlled Committee**

(Section 82016)

If an officeholder, candidate, or state measure proponent exerts significant influence on the actions or decisions of a recipient committee, he or she controls the committee. In almost all cases, officeholders or candidates control the primary committee that is set up to support their officeholder or candidacy status. Committees can even be controlled indirectly through agents of candidates and officeholders.

### **Elective Office**

(Section 82023)

Any state, regional, county, municipal, district, or judicial office that is filled at an election. Although membership on a county

central committee of a qualified political party is considered an elective office, alternate members of county central committees and chairpersons of Assembly district committees are not subject to the Act's disclosure requirements. Those appointed to an elective office, however, are subject to the Act. Membership on the Board of Administration of the Public Employees Retirement System is also an elective office.

### **Independent Expenditure**

(Section 82031)

"Independent expenditure" means an expenditure made by any person in connection with a communication which expressly advocates the 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.

### **Person**

(Section 82047)

An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

### **Primarily Formed Committee**

(Section 82047.5)

A recipient committee that is formed or exists primarily to support or oppose:

- (a) A single candidate; or
- (b) A single measure; or
- (c) A group of specific candidates being voted upon in the same city, county, or multicounty election; or

- (d) Two or more measures being voted upon in the same city, county, multicounty, or state election.

Also see the definition of “controlled committee,” above. A primarily formed committee is one that is not controlled by the candidate or officeholder the committee supports.

# Appendix 2

## About the Political Reform Act

### How to Get Help

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#### The Political Reform Act of 1974

The Political Reform Act (the “Act”) was a voter-approved initiative on the 1974 primary election ballot. One of the major provisions of the Act requires the disclosure of campaign contributions and expenditures during elections.

#### The Fair Political Practices Commission

The Fair Political Practices Commission is the independent, nonpartisan state agency authorized to implement, interpret, and enforce the provisions of the Political Reform Act. The Commission is comprised of a full-time chair appointed by the Governor, and four part-time commissioners, one each appointed by the Controller, the Attorney General, the Secretary of State, and the Governor. Each serves a four-year term and no more than three members may be from the same political party. Commission staff members are divided into four divisions: Administration, Enforcement, Legal, and Technical Assistance.

#### Governing Statutes

The Political Reform Act is contained in Government Code Sections 81000-91014.

#### Regulations

Regulations interpreting the Political Reform Act are located at Title 2, Division 6 of the California Code of Regulations, beginning at Section 18109.

#### Opinions and Advice Letters

The Commission periodically issues opinions interpreting provisions of the Political Reform

Act. The opinions are adopted at a public meeting, with opportunity for input from interested persons.

In addition, FPPC staff issues written advice letters as to the applicability of the Political Reform Act and regulations to a particular factual situation. See the FPPC publication “How Do I Get Advice From the FPPC?” available on our website.

FPPC staff does not provide advice by e-mail.

#### Obtaining Information from the FPPC

Write, call, or visit the FPPC to get copies of specific advice letters or to be put on our mailing lists.

Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814  
(916) 322-5660 – Toll-free (866) 275-3772

#### Website

The Commission’s website ([www.fppc.ca.gov](http://www.fppc.ca.gov)) contains a wealth of helpful information, including:

- The Political Reform Act and its corresponding regulations
- Commission opinions
- Notices of Commission meeting dates and agenda, supporting documentation for agenda items, and meeting summaries
- Forms required by the Act (also available at the FPPC’s offices, the Secretary of State’s offices, and many local clerks’ offices)

## Appendix 2 — About the Political Reform Act/How to Get Help

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- Manuals, fact sheets, and useful summaries of the law
- Schedules of upcoming seminars and educational workshops

### Additional Campaign Manuals

Additional copies of this manual, and manuals for other types of campaign committees are available from the Commission, the Secretary of State, and many city clerks or county registrars. Manuals are available for:

- State Candidates and officeholders, and committees primarily formed to support/oppose candidates
- Local Candidates and officeholders, and committees primarily formed to support/oppose candidates
- General purpose recipient committees (including PACs, sponsored committees, political party committees, and county central committees)
- Ballot measure committees
- Major donor and independent expenditure committees
- Slate mailer organizations

### Commission Bulletin

The Commission publishes a free bulletin. Information regarding enforcement cases, legislation and litigation updates, workshop announcements, educational articles, and advice letter summaries are regularly included. Persons interested in obtaining the Bulletin may contact the Commission to be placed on the email Bulletin mailing list by going to the “Mailing Lists” page of the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### Computer Generated Statements

Interactive campaign forms may be found at the Commission’s website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

In lieu of using official FPPC forms,

candidates and committees may produce their own computer-generated form using FPPC’s format.

If filers choose to produce their own form, they must obtain Commission approval before it may be filed. Approval will be granted on forms that contain all of the required information in a format substantially similar to the Commission’s forms. If substantive changes are made to a previously-approved form, the amended form should be submitted for approval. Also, each January, the Commission should be contacted to determine if there have been changes to the disclosure statements that may require changes to computerized forms.

In addition, the Commission maintains a list of commercial software vendors who have received Commission approval for their software packages. Contact the Commission if you are interested in obtaining this list. The list is also available on the Commission’s website ([www.fppc.ca.gov](http://www.fppc.ca.gov)).

Local candidates are not required to file campaign statements electronically unless they are running for state office. However, some local jurisdictions require electronic filing. Check with your local filing officer.

### Need Help Fast?

Assistance may be obtained regarding filing requirements, forms, or an upcoming issue by calling the Commission’s Technical Assistance Division at (916) 322-5660, or toll-free at (866) 275-3772, ext. 2.

*For even more information!* The Commission periodically conducts educational workshops on various topics. Contact the Technical Assistance Division or the website to see if a workshop is coming to your area.

### Obtaining Information Elsewhere

A subscription for regulations is available from:

Barclay's Law Publishing  
P.O. Box 3066  
South San Francisco, CA 94083  
(800) 888-3600

Opinions and advice letters are available from these subscription services:

Westlaw (800) 328-9352  
Database: "CA-ETH"  
(Advice letters from 1986 to present)

Lexis-Nexis (800) 227-9597  
Database: "CA Fair Political Practices Commission"  
(Advice letters from 1990 to present)

### **Other Resources**

The Secretary of State, city clerks, and county clerks or registrars of voters are the filing officers for campaign disclosure statements. Committee statements will be filed with the Secretary of State or a local clerk or registrar depending on whether the filer is a state candidate, a candidate running for local election, or a state or local committee.

### **Secretary of State**

The Secretary of State is also responsible for issuing campaign committee identification numbers. Contact that office regarding the availability and processing of ID numbers.  
(916) 653-6224  
(916) 653-5045 fax  
[www.sos.ca.gov](http://www.sos.ca.gov)

### **Federal Election Commission**

The Federal Election Commission answers questions regarding federal elections and contributions to all candidates from national banks, national corporations, and foreign nationals.  
(800) 424-9530 (located in Washington, D.C.)  
[www.fec.gov](http://www.fec.gov)

### **Franchise Tax Board**

The Franchise Tax Board is responsible for responding to questions regarding tax status, tax-deductibility of political contributions, 501 (c)(3) groups, audits, or any tax-related questions.  
(800) 852-5711  
[www.ftb.ca.gov](http://www.ftb.ca.gov)

### **Internal Revenue Service**

The Internal Revenue Service provides assistance regarding federal tax laws and obtaining a taxpayer identification number.  
(877) 829-5500 (located in Washington, D.C.)  
(800) 829-3676 (taxpayer ID number)  
[www.irs.gov](http://www.irs.gov)

### **Federal Communications Commission**

The Federal Communications Commission can answer questions regarding rates for purchasing broadcast time and equal access to broadcast media.  
(888) 225-5322  
[www.fcc.gov](http://www.fcc.gov)  
[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

### **Local Ordinances**

A city or county officeholder, candidate, or committee may be subject to additional reporting or other requirements. This is because cities and counties may enact ordinances that impose additional or different disclosure requirements. For example, there may be contribution limits, lower itemization thresholds, or an additional preelection statement, just to mention a few.

A city or county campaign ordinance may never pre-empt state law. Enforcement and interpretation of a local ordinance is the responsibility of the local jurisdiction. The Commission is not empowered to give advice concerning local ordinances.

## Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18110-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Notice or how to access your personal information, please contact the FPPC at:

Manager, Filing Officer Programs  
428 J Street, Suite 620  
Sacramento, CA 95814  
(916) 322-5660

Campaign statements are filed with the Secretary of State and city and county filing officers.

## Enforcement

The Fair Political Practices Commission, the Attorney General, county district attorneys, and elected city attorneys of charter cities have enforcement authority under the Act.

Failure to provide all or any part of the information required by the Political Reform Act is a violation subject to:

- An administrative enforcement proceeding before the Fair Political Practices Commission;
- A criminal misdemeanor proceeding;
- A civil action; and
- Levying of late penalties by filing officers.

Penalties for not filing campaign statements may be imposed up to \$5,000 per violation.

Additional information on the Commission's enforcement procedures is available on the website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

**State of California**  
**Fair Political  
Practices Commission**



*How To Contact Us:*

*By mail:*

Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

*Internet:*

[www.fppc.ca.gov](http://www.fppc.ca.gov)

*By telephone:*

Toll-free advice line:  
1-866-ASK-FPPC  
(1-866-275-3772)  
Regular line: 1-916-322-5660

## Mass Mailing

Government Code §84305 states:

“(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization’s address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).” Mass mailing, as defined in Government Code §82041.5, means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

**DEPARTMENT OF TRANSPORTATION**DIVISION OF TRAFFIC OPERATIONS  
OUTDOOR ADVERTISING BRANCH

Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a schedule election.
- B. Is placed not sooner than 90 days prior to the schedule election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to the appropriate District Office according to the county location of the Temporary Political Sign(s).

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the Outdoor Advertising Office.

**Department of Transportation, District 4**Division of Traffic Operations  
Bay Area Outdoor Advertising Branch  
P.O. Box 942874, MS-36  
Sacramento, CA 94274-0001  
(916) 654-6230  
(916) 654-4463 FAX

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF TRAFFIC OPERATIONS  
OUTDOOR ADVERTISING BRANCH



**STATEMENT OF RESPONSIBILITY FOR  
TEMPORARY POLITICAL SIGNS**

Election Date: \_\_\_\_\_ June \_\_\_\_\_ November Other: \_\_\_\_\_

Candidate's Name:

\_\_\_\_\_

Office sought or Proposition Number:

\_\_\_\_\_

County where sign(s) will be placed:

\_\_\_\_\_

Number of signs to be placed:

\_\_\_\_\_

**RESPONSIBLE PARTY'S:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number (Include Area Code) \_\_\_\_\_

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed not sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

\_\_\_\_\_  
SIGNATURE OF RESPONSIBLE PARTY

\_\_\_\_\_  
DATE

Mail Statement of Responsibility to the address below.

**Department of Transportation, District 4**

Division of Traffic Operations

Bay Area Outdoor Advertising Branch

P.O. Box 942874, MS-36

Sacramento, CA 94274-0001

(916) 654-6230

(916) 654-4463 FAX