[ms-0398.001.001.042]

Councilman Williams

Dagney 231-6440

DATE: November 26, 1969

TO: Candidates in the November 4, 1969 Municipal General Election

FROM: John W. Witt, City Attorney

SUBJECT: Disclosure of Political Contributions

Assembly Bill 325 passed by the 1969 Legislature and signed by the Governor affects the statements you are required by law to file concerning political contributions received by you or your committee to pay campaign expenses incurred as a result of your candidacy in the municipal general election of November 4, 1969. This memorandum seeks to assist you in filing the statements now required.

You are required to file statements of political contributions by Government Code, Section 3750, and Election Code, Section 11560. Election Code, Section 11560, requires that your statement list the names of all persons or organizations which have contributed cash or the equivalent to you for the purpose of meeting your campaign expenses. You are required to list the total amount received and to itemize how the money was expended.

Under Government Code, Section 3750, which is the new legislation, you are also required to list all persons and organizations which contributed more than $500 to your campaign and itemize with that listing the amounts of the contributions they made.

A combined statement may be filed complying with the terms of both Codes. However, the statement required by Government Code, Section 3750, must be filed with the County Clerk and the statement required by Election Code, Section 11560, must be filed with the City Clerk. Thus, if you file

a combined statement, you must file it with both the City Clerk and the County Clerk.

If you were a successful candidate, you must file the statement required by Election Code, Section 11560, with the City Clerk prior to 10:00 a.m., December 8, 1969. If you were an unsuccessful candidate, the deadline for filing the statement is 5:00 p.m. on December 9, 1969. Statements required by Government Code, Section 3750, may not be filed prior to December 4, 1969, but must be filed no later than 5:00 p.m. on December 9.

I am enclosing copies of the pertinent statutes. Violations constitute crimes under State law. If you have questions concerning your statements, please contact the office of the City Clerk.

John W. Witt, City Attorney

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EXCERPTS FROM GOVERNMENT CODE
(A.B. 325)

## CHAPTER 3. POLITICAL CONTRIBUTIONS

3750.

Each candidate for state or local public office, and each political committee supporting such candidate, shall file, as a public record, two cumulative statements naming each person or organization from whom a contribution or contributions have been received that total more than five hundred dollars ($500) and that have been or may be expended on behalf of his campaign, together with the specific amounts contributed by each person or organization.

Statements for candidates for state office shall be filed with the Secretary of State, and statements for candidates for local office shall be filed with the county clerk of the county in which the candidate resides.

3751.

Statements required under Section 3750 shall be filed at the following times:

(a) Between 20 and 25 days prior to the election.

(b) Between 30 and 35 days after the election.

3752.

A statement required under subdivision (b) of Section 3751 may be combined with a campaign statement as defined in Section 11503 of the Elections Code.

3753.

As used in this chapter:

(a) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. The term "contribution" includes the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer.

(b) The term "expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

The term "political committee" does not include any committee formed by a business corporation or enterprise, or group of business corporations or enterprises, which regularly solicits political contributions from officers or employees and which makes such contributions available to political candidates on a bipartisan basis, provided that the amounts contributed by it to each political candidate shall be set forth by the candidate in his statements required under Section 3751.

(d) The term "candidate" means any person who seeks nomination or election to a state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

3754.

Any person who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

EXCERPTS FROM ELECTIONS CODE

Sec. 11560. Filing of verified campaign statement

Except as provided in Section 11561, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be.

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

Sec. 11561. Exception to filing requirement

A candidate or nominee for a municipal office or for election to the governing body of a district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars ($200).

Sec. 11563. Time for filing

All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs.

Sec. 11503. "Campaign statement"

"Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of a committee showing under each of the subdivisions of Section 11504:

(a) In detail all moneys paid, loaned, contributed, or otherwise furnished, directly or indirectly, to the candidate or treasurer or for use of the candidate or treasurer, in aid of the candidate's nomination or election.

(b) All money contributed, loaned, or expended, directly or indirectly, by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election.

(c) The names of all persons who paid, loaned, contributed, or otherwise furnished such money in aid of the candidate's nomination or election.

(d) The names of all persons to whom such money was contributed, loaned or paid.

(e) The specific nature of each item.

(f) The service performed and by whom any services were performed.

(g) The purpose for which the money was expended, contributed or loaned.

Sec. 11504. Lawful expenses

Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.

(b) For the personal traveling expenses of the candidate and of campaign personnel.

(c) For rent, furnishing and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone.

(d) For payment of the following personnel:

1. Campaign managers.
2. Advertising agencies and publicity agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.

(g) For newspaper advertising.

(h) For radio and television advertising and speech time.

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.

(j) For making canvasses of voters and public opinion surveys.

(k) For conveying voters to and from the polls.

(l) For supervising the registration of voters.

(m) For watching the polling and counting of votes cast.

(n) For photographs, mats, cuts, art work, and displays.

(o) For petty cash items relative to candidacy.