



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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December 13, 2021

Nick Warshaw
Olson Remcho
555 Capitol Mall, Suite 400
Sacramento, CA 95814-4503

Re: Your Request for Advice
Our File No. A-21-165

Dear Mr. Warshaw:

This letter is in response to your request regarding the campaign provisions of the Political Reform Act (the “Act”).¹

QUESTION

May the candidates and committees involved in the Assembly District 17 February 15, 2022 special primary election combine the first pre-election statement with the second pre-election statement due on February 3, 2022?

CONCLUSIONS

In connection with a February 15, 2022 special primary election, candidates and committees may use a filing schedule that combines the first pre-election statement with the second pre-election statement. The combined statement will be due on February 3, 2022, covering the period January 1, 2022, through January 29, 2022.

ANALYSIS

During an election, candidates and committees involved in the election are required to file two pre-election campaign statements disclosing contributions received and expenditures made in connection with that election. These pre-election campaign statements are generally filed 40 days before the election and again 12 days before the election. (Section 84200.8.) Semi-annual statements are filed January 31 and July 31, respectively. (Section 84200.) Pursuant to Section 84205, the Commission may by regulation or written advice permit candidates and committees to file combined campaign statements and reports required by the Act.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

A special election has been called for Assembly District 17, with the primary election being held on February 15, 2022. Committees required to file semi-annual statements will file a report covering through December 31, 2021. Thus, to comply with the Act's pre-election report requirements in conjunction with the special election, candidates and committees would be required to file a first pre-election report covering one day, January 1, 2022; and then a second pre-election report covering January 2 – January 29, 2022. The first pre-election report would be due January 6, 2022; while the second pre-election report would be due February 3, 2022.

Given the timing of the election and the fact that this would render a first pre-election report covering a one-day period, the Commission will permit candidates and committees required to file to combine the first and second pre-election reports. The period covered will be January 1 – January 29, 2022, and the report will be due February 3, 2022. Combining these statements will streamline filing for those participating in the election, while also easing the burden of processing and review on behalf of filing agencies. With the reports being combined, there will be a delay in disclosure of activity occurring on January 1. However, as this is a holiday, and the activity will still be disclosed well in advance of the election, the benefits to combining outweigh any potential delay.²

Filing the single pre-election statements in connection with the February 15 election will satisfy both pre-election report requirements under 84200.8. A campaign statement filing schedule which outlines the due dates for filing statements in connection with the election is enclosed for your convenience.

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

Sincerely,

Dave Bainbridge
General Counsel



By: Erika M. Boyd
Senior Counsel, Legal Division

EMB:dkv

CC: Political Reform Division, Secretary of State
San Francisco Ethics Commission

² Additionally, the 90-day late contribution reporting period for the special primary began on November 17, 2021. During this time, contributions and independent expenditures aggregating \$1,000 or more must be reported within 24-hours.