

MEMORANDUM OF LAW

DATE: February 19, 1988

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Campaign Statement for Initiative Committees -  
Where to File

This is in response to your memorandum of February 5, 1988, addressed to Ted Bromfield, Chief Deputy City Attorney, in which you request advice about where a committee treasurer must file his or her campaign statement.

FACTS

You received a letter from Mr. Tom Mullaney, Treasurer for "Citizens for Limited Growth Committee" ("Limited Growth Committee"), accompanying that committee's campaign statement for the period July 1 - December 31, 1987. In that letter, which was attached to your memorandum, Mr. Mullaney states that his committee changed status during 1987 from "City-wide involvement" to "County-wide involvement." Specifically, his committee supports initiatives for both the City of San Diego and the County of San Diego. In his letter Mr. Mullaney further states that, because of the change in status, he intends to file future campaign statements only with the County, which he considers to be the higher jurisdiction in which his committee is active. Your memorandum asks us to determine whether Mr. Mullaney is correct.

LEGAL ANALYSIS

The San Diego Municipal Code (SDMC) merely requires compliance with state law requirements governing the filing of campaign statements; the Municipal Code adds no new requirements. See SDMC Section 27.2931.

Where to file campaign statements is governed by Government Code Section 84215. Government Code Section 84215 reads in relevant part as follows:

All . . . committees . . . except as provided in subdivision (e) shall file two copies of the campaign statements required by Section 84200 with the clerk of the county in which they are domiciled. . . In addition, campaign statements shall be filed at the following places:

...

(d) . . . Committees formed or existing primarily to support or oppose . . . local measures to

be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (e), . . . shall file the original and one copy with the clerk of the county.

(e) . . . Committees formed or existing primarily to support or oppose . . . local measures to be voted upon in one city . . . shall file the original and one copy with the clerk of the city. These . . . committees need not file with the clerk of the county in which they are domiciled.

(f) Notwithstanding the above, no committee . . . shall be required to file more than the original and one copy, or two copies, of a campaign statement with any one county or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.

From the facts presented, it appears that the Limited Growth Committee could fit into either a subsection (d) or subsection (e) type committee. The facts presented are not sufficient for us to make a definitive interpretation.

If, for the sake of argument, the Limited Growth Committee was formed or exists primarily to support or oppose local measures within the City of San Diego, then subsection (e) would apply, and the Limited Growth Committee should file the original and one copy of the campaign statement with the City Clerk and need file nothing with the County Clerk.

If, on the other hand, the Limited Growth Committee was formed primarily to support or oppose local measures to be voted upon in any number of jurisdictions in the County of San Diego, then subsection (d) would apply and the Limited Growth Committee should file the original and one copy of the campaign statement with the County Clerk.

Since we are not given enough facts to make the determination, we recommend you inquire of Mr. Mullaney or other representative of the Limited Growth Committee whether the committee was formed or exists primarily to support or oppose measures previously within the City of San Diego or primarily to support or oppose measures in more than one jurisdiction within the County of San Diego.

If the response is that the committee exists primarily to support or oppose legislation within the City of San Diego, then

you should inform Mr. Mullaney that he needs to file the campaign statement (one original and one copy) with your office. If the response is otherwise, you may inform him that he need file only with the County Clerk.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:ps:048.3.1(x043.2)

ML-88-14