

Fair Political Practices Commission

MEMORANDUM

To: Chairman Schnur, Commissioners Garret, Hodson, Montgomery, and Rotunda

From: Scott Hallabrin, General Counsel
Heather Rowan, Commission Counsel

Subject: Adoption of Amendment to Regulation 18116 – Filing Deadline for 24-Hour Contribution Reports (Recommendation of the Chairman’s Task force on the Political reform Act)

Date: January 18, 2010

Proposed Commission Action and Staff Recommendation: Adopt proposed amendments to Regulation 18116.

Background: For several years, the Commission, through technical assistance, requests for advice, and direct inquiries to the full Commission, has been aware of an issue regarding campaign filings. Regulation 18116 currently allows that if a reporting deadline falls on a weekend or state holiday, the deadline is extended to the next business day. This extension does not apply, however, to late contribution reports, late independent expenditure reports, or notice by the contributor of a late in-kind contribution. Consequently, these particular forms must be filed within 24 hours during the late reporting period (16 days prior to the election) whether or not the deadline falls on a weekend or holiday.

The Chairman’s Task Force on the Political Reform Act also identified Regulation 18116 as one that presents problems to campaigns and their staff. The primary issue is that by not creating an exemption for these certain reports, a campaign must staff its offices every weekend that falls during a late contribution reporting period, for example, if they are to remain in compliance with the law. Additionally, a campaign must staff an office to receive late contributions and file the appropriate report with an office (such as a county registrar) that is likely only open during regular business hours.

The Task Force recommended that the Commission amend the extension currently that applies under regulation 18116 when a report falls on a weekend or state holiday to include late contribution reports (including in-kind contributions). The amendment would provide that, *except on a Saturday, Sunday, or state holiday immediately prior to an election*, the extension applies to contribution reports under Sections 84203 or 85309 and notice by the contributor of a late in-kind contribution required by Section 84203.3.

The Task Force also recommended that, given the nature and importance of the late independent expenditure reports required under Sections 84204, 85500, or 84203.3, the time extension should not apply to these reports.

Staff thinks that the proposed amendments to Regulation 18116 will facilitate a more efficient use of campaign staff time and a simplification of the Act’s requirements.

1 Amend 2 Cal. Code Regs. Section 18116.1 to read:

2 **§ 18116. Reports and Statements; Filing Dates.**

3 (a) Except as set forth in subdivision (b), whenever ~~Whenever~~ the Political Reform Act
4 requires that a statement or report be filed prior to or not later than a specified date or during or
5 within a specified period, and the deadline falls on a Saturday, Sunday, or official state holiday,
6 the filing deadline for such a statement or report shall be extended to the next regular business
7 day.

8 (b) This extension does not apply to any of the following:

9 (1) ~~to late contribution~~ Contribution reports required by Government Code Section
10 Sections 84203, 84203.3(b), or 85309 or notice by the contributor of a late in-kind contribution
11 required by Section 84203.3(a) when the due date for these types of reports falls on a Saturday,
12 Sunday, or official state holiday immediately prior to an election.

13 (2) ~~late independent~~ Independent expenditure reports required by Government Code
14 Section Sections 84204 or 85500, or notice by the contributor of a late in-kind contribution
15 required by Government Code Section 84203.3.

16 NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82036, 82036.5,
17 84203, 84203.3, 84204, 85309, and 85500 Government Code.