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March 4, 1974

*Jane - knowing of your interest
am sending a copy along to you.*

Mr. Robert L. Hamm
County Clerk and Recorder
Ventura, California 93001

Rob Hamm

Dear Mr. Hamm:

This is a letter opinion concerning an issue raised by Mrs. Linda Berge in her letter referred to this office on March 1, 1974.

Mrs. Berge questioned whether the Ninety-Niners Club violated section 11530(b) of the Elections Code by not reporting contributions in excess of \$10 to the candidates. Mrs. Berge in her letter of January 26, 1974 stated that, "Since the new Financial Disclosure Act requires that the treasurer of a political group notify any candidate of contributions in excess of \$10 collected in his behalf, it appears that the law has been violated."

I have researched the issues raised and discussed them with Mr. John A. Gordnier, Deputy Attorney General in charge of the Attorney General's Election Law Enforcement Unit.

In my opinion, section 11530(b) of the Elections Code requires persons acting as the agent of a committee to report all contributions received to the committee's treasurer. Section 11530(b) only places a \$10 reporting base for persons acting as agent of a candidate. The requirements for reporting dollar contributions contained within section 11530(b) contain no requirements for reporting the name and address of contributors. The purpose of section 11530(b) is to guarantee that candidates and treasurers will know how much money is received in their campaigns so that they may report the receipt of such campaign contributions. A committee, through its treasurer, need only report if it receives or anticipates receiving contributions in a calendar year in excess of an aggregate amount of \$500. (Elections Code section 11531.) The intent of the reporting requirements contained within section 11530(b), as applied to committees, is to guarantee that committee treasurers will know when they receive or reasonably anticipate receiving in excess of \$500.

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There is no reporting requirement for the names and street addresses of contributors who contribute less than \$100 to candidates or committees. Section 11530(c) of the Elections Code provides specific reporting requirements of names and street addresses who contribute \$100 or more.

The January 26th letter of Mrs. Berge seems to imply that there is a requirement for treasurers of campaign committees to notify candidates of contributions in excess of \$10. If a committee were the agent of a candidate, there would be a basis for concluding that section 11530(b) requires a reporting of dollar amounts in excess of \$10. However in this case, both candidates mentioned in the letter of Mrs. Berge disclaimed both the advertisements and the Ninety-Niners group. There are no facts which would support a conclusion that the Ninety-Niners Club was the legal agent of either candidate mentioned in the letter. Therefore, the reporting requirements were those applicable to committees only.

The report filed by the Ninety-Niners Club, on its face, appears to meet all existing reporting requirements.

Very truly yours,

C. Stanley Trom

C. STANLEY TROM
District Attorney

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