

ADDITIONAL REPORTS

Paid Spokespersons. Ballot measure committees have additional reporting forms related to advertisements. The Act requires more specific reporting when a committee engages in the following activities:

- Pays an individual to appear in an advertisement
- Produces an advertisement featuring a state candidate but not expressly supporting his or her election

The required forms to disclose these activities are reviewed in this chapter.

Independent Expenditures and Contributions. Ballot measure committees may also be required to file other reports if the committee engages in the following activities:

- Makes independent expenditures of \$1,000 or more
- Makes contributions of \$10,000 or more to elected state officeholders in odd-numbered years

This chapter only briefly describes the forms that may be required because primarily formed ballot measure committees and general purpose ballot measure committees, for the most part, will limit their expenditures to the measure(s) or issues the committee is formed to support or oppose. Each of the forms with detailed instructions is available on the FPPC's website.

Top Contributor Lists. A state primarily formed ballot measure committee that has raised \$1,000,000 or more for a measure must provide a current list of its top ten contributors of \$10,000 or more to the FPPC.

A. Ballot Measure Ad – Paid Spokesperson Report (Form 511)

When a committee pays an individual for his or her appearance in a ballot measure advertisement, the committee must file a Paid Spokesperson Report (Form 511) and include a disclosure on the ad in the following situations:

- **\$5,000 payment to an individual in an ad:** The committee makes expenditures totaling \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.
- **Any payment to an individual in an ad portraying a professional (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** The committee makes expenditures of any amount to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training to engage in that occupation.

See Chapter 7 for additional information about the advertisement disclosure requirements.

When to File the Form 511

A committee that makes an expenditure identified above must file the Form 511 within 10 days. An expenditure is made on the date the payment is made or the date the services were received, whichever is earlier.

Where to File the Form 511

State Committees: File Form 511 with the Secretary of State. Committees required to E-file must also file a paper copy.

Local Committees: File Form 511 in the same location the committee files its regular campaign statements (i.e., Form 460).

Ex 11.1 - In support of a measure, your committee hires a public relations firm to produce a television advertisement and a celebrity is paid \$5,000 or more to appear in the ad. Your committee must file the Form 511. In addition, the ad must state that the individual was paid to appear.

Paid Spokesperson Report

Type or print in ink. Amounts may be rounded to whole dollars.

Date Stamp

**CALIFORNIA
FORM 511**

For Official Use Only

NAME OF FILER

Yes on Proposition 2, Support School Financing, Sponsored by Education Leaders Association

ID # (If required)

13432XX

AREA CODE/PHONE NUMBER

805-555-1221

E-MAIL (Optional)

STREET ADDRESS

1500 Seventh Avenue, Suite 450

CITY

Santa Barbara

STATE

CA

ZIP CODE

93103

Amendment (explain)

Payments Made Attach additional information on appropriately labeled continuation sheets.

DATE	NAME AND ADDRESS OF SPOKESPERSON (OCCUPATION MAY BE REQUIRED - SEE INSTRUCTIONS)	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT
10/16/XX	Katherine Hunter 315 N. Spring Street Beverly Hills, CA 90210	Proposition 2, State of California <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	\$12,500

Verification

I have used all reasonable diligence in preparing this report. I have reviewed the report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/20/XX
DATE

By [Signature Required]
SIGNATURE OF TREASURER/ASSISTANT TREASURER/FILER

Completing the Form 511

Provide the committee's full name, phone number, street address, city, state, zip code, and identification number.

In the first column, provide the date the payments were made or the services were received, whichever is earlier. In the second column, indicate the name and address of the individual who was paid to appear in the advertisement. In addition, the occupation of a spokesperson is required when an expenditure of any amount is paid to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a state or local ballot measure and the advertisement states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

In the third column, provide the name, number or letter, and jurisdiction of the ballot measure supported or opposed by the advertisement. Finally, in the last column, indicate the total amount of the expenditure and complete the verification.

Amendments to the Form 511

To amend a previously filed Form 511, file another Form 511. Check the “Amendment” box and give a brief description of the amendment. Enter the committee’s name and address, and disclose the amended information. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. The amendment is filed in the same location(s) the original was filed.

B. Communications Identifying State Candidates (Form E-530)

A committee that spends \$50,000 or more for a communication disseminated during the 45 days before an election that clearly identifies a state candidate appearing on the ballot, but does not expressly advocate the election or defeat of that candidate, must file electronically with the Secretary of State the Form E-530. The committee must report this activity on the Form E-530 within 48 hours of making the payment, or promising to make a payment, of \$50,000 or more. (See Chapters 3 and 6.)

Contribution limits may apply if a committee, at the behest of a state candidate, makes a payment of \$50,000 or more for a communication featuring the state candidate 45 days before his or her election. Contact the FPPC for assistance.

The Form E-530 must disclose the amount and date of the payment(s), and the name of and office sought by the candidate(s) identified in the communication. In addition, if \$5,000 or more was received or promised from a single source to pay for the communication, the name, address, occupation, and employer (if applicable) of the contributor, as well as the date and amount received or promised, must be reported.

The report must be verified by a written “electronic filing declaration” signed, dated, and verified on the same date the report is transmitted to the Secretary of State. This declaration must be retained in the committee’s records for five years following the date that the campaign report to which it relates is filed. The statement must include the following language:

Quick Tip

A candidate is not considered “clearly identified” if the candidate’s name is required by the provisions of state or federal law to appear in the communication and the candidate is not singled out in the manner of display.

Ex 11.2 - The Rails for California, A Committee for Proposition 10, decided to buy billboard space up and down Interstate 5 stating, “Thank You, Governor Grant, for Supporting Proposition 10.” The billboard space was rented for the 30 days prior to the next state election in which Governor Grant is running for reelection. The total cost for design, printing, placement, and space rental was \$65,000 and was paid on October 6. By October 8, the committee must file the Form E-530 electronically with the Secretary of State.

“I have used all reasonable diligence in preparing this report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”

C. Other Reports

As stated earlier, expenditures made by a primarily formed ballot measure committee or a general purpose ballot measure committee are usually limited to the measure(s) or issues the committee is formed to support or oppose. However, there may be times when a committee makes independent expenditures or contributions of \$10,000 or more, which would require the committee to file the following reports.

Independent Expenditure Reports

See Chapter 6 for guidance on the types of communications that are considered to be independent expenditures. A committee that makes independent expenditures must report the payments on the Form 460 (Recipient Committee Campaign Statement) and must file several additional reports.

A primarily formed ballot measure committee that is making expenditures on behalf of the measure for which it is formed is not making independent expenditures. This includes communications that ask voters to oppose a rival measure.

A general purpose ballot measure committee often makes contributions to primarily formed ballot measure committees that support the committee's issues. However, a general purpose ballot measure committee may also make a communication that is an independent expenditure, which would require the committee to file the reports listed below. The forms and instructions are on the FPPC's website.

The independent expenditure reports include:

- Verification of Independent Expenditures (Form 462)
- 24-Hour/10-Day Independent Expenditure Report (Form 496)

Special Odd-Year Contribution Report

Ballot measure committees generally limit expenditures to those related to the measure or issue for which it is formed. Nevertheless, if a committee makes contributions of \$10,000 or more to elected state officeholders in an odd-numbered year, it may be required to file a Special Odd-Year Report (Form 460). The form and instructions are available on the FPPC's website.

D. Form T10 – Top Ten Contributor List

A committee primarily formed to support or oppose a state ballot measure that receives \$1,000,000 or more, and has received contributions of \$10,000 or more from a single source, must file the Form T10 with the FPPC by email (T10@fppc.ca.gov).

File the Form T10:

- *Within two business days* of meeting or exceeding the \$1,000,000 threshold if the threshold is met within the 16-day period before the election, or
- *Within three business days* of meeting or exceeding the \$1,000,000 threshold if the threshold is met at any time other than during the 16-day period before the election.

Completing Form T10:

- **Part 1. Committee Information.** Enter the committee's name, ID number, date of submittal, report number (e.g., 1, 2), contact information, treasurer's name, and the date of election.
- **Part 2a. Measure(s) Supported or Opposed.** List the measure number(s), and mark support or oppose. If the ballot measure number has not yet been assigned, include the Attorney General's office tracking number.

- **Part 3. Reasons for Update.** Indicate the reason for an updated submission (e.g., new person qualified, ranking order changed).
- **Part 4. Top Contributors – \$10,000 or More.** Identify the contributor, type of committee (if applicable), ID number (if any), city, state and cumulative amount received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending with the current date. In the **“Part 5 Completed”** Column, select “yes” if the contributor is a state recipient committee that has received \$50,000 or more from a single source. Otherwise, select “no.”
- **Part 5. State Recipient Committees – Top Two Contributors of \$50,000 or More.** Complete Part 5 when a state recipient committee is listed as a top 10 contributor and the state recipient committee has received contributions aggregating \$50,000 or more, from a single source, during the current two-year election period as displayed on the Secretary of State’s Cal-Access system: <http://cal-access.sos.ca.gov/>. List only the contributors’ names, not the amounts or addresses. Disclose the most recent contributor when two or more contributors of identical amounts qualify as the top two contributors.

Note: Update Part 5 when the state recipient committee makes additional contributions to the primarily formed committee completing the Form T10.

Subsequent Submissions:

File an updated Form T10 when any of the following occurs:

- A new person qualifies as a top 10 contributor.
- A person who is an existing top 10 contributor makes additional contributions of \$5,000 or more in the aggregate.

- The relative ranking order of the top 10 contributors changes.
- The reporting committee changes its name to add or delete a ballot measure.

Note: Part 5 is updated only if the state recipient committee makes additional contributions to the committee completing the Form T10.

The deadlines to file a subsequent submission are:

- Within *two business days* of the change if there are changes to the top 10 list within the 16-day period before the election.
- Within *three business days* of the change if there are changes to the top 10 list at any time other than during the 16-day period before the election.

Note: A primarily formed ballot measure committee that submits T10 reports during the state measure qualification period is not required to continue to file reports after the date it is determined that the state measure failed to qualify for the ballot.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

- 81005 Reports and Statements; Filing Deadline on Weekend or Holiday.
- 82015 Contribution.
- 82025 Expenditure.
- 82036.5 Late Independent Expenditure.
- 82044 Payment.
- 84200.6 Special Campaign Statements and Reports.
- 84202.7 Time for Filing by Committees of Odd-Numbered Year Reports.
- 84204 Late Independent Expenditures; Reports.
- 84213 Verification.
- 84223 Top Ten Contributor Lists.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.
- 85309 Online Disclosure of Contributions.
- 85310 Communications Identifying State Candidates.

Title 2 Regulations

- 18215 Contribution.
- 18421.1 Disclosure of the Making and Receipt of Contributions.
- 18422.5 Top Contributor Disclosure by Committees Primarily Formed for State Ballot Measures or Candidates.
- 18425 24-Hour/10-Day Contribution Reports.
- 18450.11 Spokesperson Disclosure.
- 18465.1 Verification of Online Filers.