

# Memorandum

To : VIA FAX AND MAIL  
Honorable Brad Sherman

Date : July 12, 1991

From : Lawrence A. Augusta  
Assistant Chief Counsel

Subject : Contribution Disclosure Opinion No. 91-20 (Revised)\*  
Definition of "Preceding 12 Months"

This is in response to your memorandum of July 2, 1991, in which you ask whether a contribution on July 2, 1990 should be considered as being received within the preceding 12 months as that term is used in Government Code Section 15626(b) with respect to a hearing scheduled for July 30, 1991.

It is my opinion that a contribution made on July 2, 1990, was not received within the preceding 12 months for purposes of the July 30, 1991 hearing.

Government Code Section 6804 provides: "'Month' means a calendar month, unless otherwise expressed." Generally, when reference is made to a "calendar month", the reference is to the time from any day of any month to the corresponding day in another month, (6 Ops. Cal.Atty.Gen. 157, 158; 31 Ops. Cal.Atty.Gen. 93, 97).

Thus, in determining the preceding 12 months from any particular day on which a hearing is scheduled (in this case July 30, 1991) reference is made to the corresponding day in the same month in the previous year (in this case July 30, 1990). Since July 2, 1990 is more than 12 months prior to July 30, 1991, the contribution in question was received more than 12 months prior to the scheduled date of hearing and need not be considered in determining whether you received contributions of \$250 or more in the preceding 12 months.

In reaching this conclusion I considered two alternative theories. The first of these was that "month" means 30 days. I concluded that this theory was not applicable because it has been rejected in the Government Code, the case law, and in the opinions

of the Attorney General. (See Government Section 6804; 1 Ops. Cal. Atty. Gen. 436, 437; Davis vs. Thayer (1980) 113 Cal. App. 3rd 892. Even if such a theory were applicable, 12 months would be the equivalent of 360 days, and the contribution on July 2, 1990 would have been received more than 12 months before July 30, 1991.

The second alternative theory is that 12 months is the equivalent of 365 days. I noted in considering this theory that the time frame standard in Section 15626 is 12 months. It is not 365 days or one year. Thus, I looked to the definition of month, rather than to the definition of day or year. However, in ordinary usage, 12 months is the equivalent of one year (Davis vs. Thayer, supra), and Government Code § 6803 defines "year" to be 365 days. Applying this definition to your inquiry, we find the contribution in question was not received within the preceding 12 months because it was made more than 365 days before the scheduled hearing. Consequently, the contribution on July 2, 1990, was not made within "the preceding 12 months" whether one counts all the days of the preceding 12 months (365), applies the 30 day month determination, or applies the test adopted by the Courts, the Code and the Attorney General, namely, that we look to the corresponding day in the twelfth month preceding the scheduled hearing.

I should note that for purposes of the time frames in Section 15626, 12 months is always the equivalent of 365 days, or the corresponding day in the twelfth preceding month. While a calendar will show 366 days in a leap year, Government Code Section 6803 provides that "The added day of a leap year, and the day immediately preceding, if they occur in any such period, shall be reckoned together as one day." The added day in a leap year is simply, in law, only the day preceding. (People vs. Hill (1934) 2 Cal. App. 2nd 141.)



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cc: Honorable Ernest J. Dronenburg, Jr.  
Honorable William M. Bennett  
Honorable Matthew K. Fong  
Honorable Gray Davis  
Ms. Cindy Rambo  
Mr. E. L. Sorensen, Jr.  
Contribution Disclosure Binder Distribution List

\*Note: Please discard the original version dated July 9, 1991.