

**M e m o r a n d u m**

To: Mr. Coby A. King, Legal Counsel  
Second District

Date: August 26, 1993

From: E. L. Sorensen, Jr.  
Chief Counsel

Subject: **Contribution Disclosure Opinion 91-23 - "Status of Intermediary Contributor" is Inoperative Due to Repeal of FPPC Regulations**

At one time, a person who delivered, mailed or otherwise transmitted a contribution, but who was not the true source of the contribution, was considered an intermediary. (Former 2 Cal. Code Regs. section 18432.5, repealed June 23, 1992.) This definition of intermediary, which was based on Government Code section 84302.5, was repealed after section 84302.5 was declared inoperative in Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission (1990) 51 C. 3d 744.

Contribution Disclosure Opinion (CDO) 91-23 addressed the question: "Is a campaign contribution from an intermediary, as that term is used under Section 84302.5 of the Fair Political Practices Act, required to be disclosed under Government Code Section 15626?" Since section 84302.5 was declared inoperative by the Supreme Court, the advice provided in CDO 91-23 is also inoperative.



ELS:wk  
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cc: Hon. Brad Sherman  
Hon. Matthew K. Fong  
Member, First District  
Hon. Ernest J. Dronenburg, Jr.  
Hon. Gray Davis  
Mr. Burton W. Oliver  
Contribution Disclosure Binder Distribution List

# Memorandum

To : Mr. Steven Kamp

Date : July 29, 1991

From : Mary C. Armstrong  
Senior Staff Counsel

Subject : CONTRIBUTION DISCLOSURE OPINION 91-23  
STATUS OF AN INTERMEDIARY CONTRIBUTOR

You have raised the following question:

Is a campaign contribution from an intermediary, as that term is used under Section 84302.5 of the Fair Political Practices Act, required to be disclosed under Government Code Section 15626?

Government Code Section 84302.5 provides that:

"A person is an intermediary for transmittal of a contribution if he or she delivers to a candidate or committee a contribution from another person unless such contribution is from the person's employer, immediate family or an association to which the person belongs. No person who is the treasurer of the committee to which the contribution is made or is the candidate who controls the committee to which the contribution is made shall be an intermediary for such a contribution."

The term "intermediary" is further defined in Regulation 18432.5(b) (2 Cal. Code Regs. 18432.5) as follows:

"(b) A person is an intermediary for transmittal of a contribution, for purposes of subdivision (a)(3), if he or she meets both of the following requirements:

"(1) The person delivers, mails, or otherwise transmits a contribution to a candidate or committee, either personally or through an agent.

"(2) The person is not the true source of the contribution."

Government Code Section 15626 requires disclosure of campaign contributions of \$250 or more from a "party", "participant" or "agent" in an adjudicatory hearing pending before the Board. If a contribution has been made by a "party", "participant" or "agent" through an intermediary, the intermediary is required, pursuant to Section 84302.5, to disclose the name of the person on whose behalf the contribution has been made. For purposes of the disclosure requirements of Government Code Section 15626, the identity of the intermediary is only relevant if the intermediary also comes within the definition of "party", "participant" or "agent" under Section 15626. Otherwise, the fact that an intermediary has passed on a particular contribution is irrelevant for purposes of Government Code Section 15626.

We trust the above answers your concerns on this subject. If you have further questions concerning this matter, we will be happy to discuss them with you.

*Mary C. Calvert*

MCA:wk  
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cc: Hon. Brad Sherman  
Hon. Ernest J. Dronenburg, Jr.  
Hon. William Bennett  
Hon. Matthew K. Fong  
Hon. Gray Davis  
Ms. Cindy Rambo  
Mrs. Janice Masterton  
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