



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

August 4, 2011

Councilman Carl DeMaio  
City of San Diego  
202 C Street  
San Diego, CA 92101

Re: Communication Regarding Californians Against Identify Theft

Dear Mr. DeMaio:

This letter is in response to an informal complaint you submitted on August 3, 2011, regarding the above-referenced person. The Fair Political Practices Commission ("Commission") will not open a case on this matter.

The Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. With regard to your allegation that the organization's radio advertisements and website contain statements that are false or grossly misleading, the Act does not govern the content of communications. Accordingly, the Commission has no jurisdiction to initiate an investigation into that allegation.

With respect to the failure of Californians Against Identify Theft to identify individuals or organizations that paid for the radio advertisements, the Act requires the name of a committee primarily formed<sup>1</sup> to support or oppose a ballot measure, to identify by name or phrase the economic or other special interest of its major donors, and include a statement "paid for by" or "major funding by" the two highest contributors. (Gov. Code §§ 84504/84506.)

Californians Against Identify Theft aired messages concerning the signature gathering process. Since it did not produce an advertisement for or against a ballot measure committee, it is not subject to any of the advertisement disclosures described above.

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<sup>1</sup> "Primarily formed ballot measure committee" means a committee formed primarily to support one measure, or two or more measures being voted upon in the same city, county, multi-county, or state election. (Section 82047.5.) The advertisement disclosures described above do not apply to a general purpose committee. (Regulations 18450.3/18450.4.)

This newly-formed committee recently filed a Statement of Organization (Form 410) with the Office of the Secretary of State. Since none of its expenditures have thus far been for a political purpose<sup>2</sup>, this committee's first semi-annual campaign statement will not be filed until January 31, 2012.

Thank you for taking the time to bring this matter to our attention. If you have any questions regarding this decision, please contact us at (916) 322-5660.

Sincerely,

A handwritten signature in black ink, appearing to read "Roman G. Porter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Roman G. Porter  
Executive Director

RGP/jt

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<sup>2</sup> An expenditure is a payment for a political purpose if it is attempting to influence the action of the voters for or against the qualification or passage of a clearly identified measure. (Regulation 18225.)