

THE SUTTON LAW FIRM

December 7, 2023

Angela Brereton, Esq.
Director of Enforcement
Fair Political Practices Commission
1102 Q St., Ste. 3050
Sacramento, CA 95811

RE: Significant Reporting Violations by Alameda County District Attorney Recall Supporters

Dear Ms. Brereton:

On behalf of our client “Protect the Win for Public Safety,” the political committee opposing the recall of Alameda County District Attorney Price, we request that the FPPC immediately investigate the failure of “Reviving the Bay Area” (the “Reviving Committee”), a political committee supporting the potential recall, to disclose its contributors and to identify itself as primarily-formed to support the recall, as required by law, and that the FPPC immediately compel the Reviving Committee to immediately publicly disclose its funders. By copy of this letter, we are also calling on the Alameda County Registrar of Voters to exercise its authority as the filing officer for County political committees to require the Reviving Committee to file amendments to its reports listing its contributors.

The Reviving Committee was set up as a political committee in September 2023 and to-date has contributed over \$578,000 to “Save Alameda for Everyone (SAFE): Recall DA Price” (the “Recall Price Committee”): \$48,000 before September 30, and approximately \$531,000 between October 1 and November 13. (Form 497s campaign reports filed by Reviving Committee attached.) The Statement of Organization filed by the Reviving Committee with the Alameda County Registrar of Voters indicates that it qualified as a committee – i.e., that it received at least \$2,000 – on September 7, 2023. (Amended Form 410 attached.) A report filed by the Recall Price Committee confirms that it received a \$48,000 contribution from the Reviving Committee on September 25. (Form 460 attached.) The reports filed by these two committees thus admit, under the penalty of perjury, that the Reviving Committee had received at least \$48,000 as of September 30.

As you know, committees set up to support or oppose the recall of a state or local elected official are required to file reports on a quarterly basis, disclosing all of their contributions and expenditures during the quarter. (Cal. Govt. Code section 84202.3.) Even though the Reviving Committee was set up and had activity during the third quarter of 2023, it failed to file a report covering the third quarter as required by law. The attached print-out from the Registrar’s website confirms that the Reviving Committee has not filed any Form 460s since inception. The Reviving

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Committee has therefore illegally hid the source of its funds at least through September 30 from the public, a serious violation of fundamental campaign laws.

The failure of the Reviving Committee to file a third quarter report disclosing the sources of its funds is an especially serious violation because the source of financial support for the recall effort has become a significant issue in the campaign. (Press articles attached.)

Not only has the Reviving Committee failed to disclose its contributors, but it has also illegally filed as a “general-purpose” committee, thereby illegally hiding its sponsorship of the recall effort from the public, even though 100 percent of its funds have been spent to support the recall of District Attorney Price. The Reviving Committee clearly qualifies as a “primarily-formed” committee, and the law therefore requires the Committee to specify its support of the recall on its Statement of Organization and to reference the recall in its name. (Section 84102; 2 Cal. Code Regs. sections 18402(c)(3) & 18427.5.) Instead, the Reviving Committee is misleading the public into thinking it is a broad-based general purpose committee by using a generic name – “Reviving the Bay Area” – and by improperly indicating on its Statement of Organization that it is set up “to support and oppose state and local ballot measures and recall committees.”

The proponents of this recall are still on the streets attempting to gather enough signatures to qualify for the ballot. It is therefore imperative that the FPPC and Registrar of Voters act immediately to compel Reviving Committee to properly identify itself and to disclose the sources of its funds so that the public can make informed decisions about whether to support the recall.

Thank you very much for your prompt attention to this complaint.

Sincerely,



James R. Sutton

cc: Alameda County Registrar of Voters Tim Dupuis
Philips Dreyfuss, Reviving Committee's Principal Officer

Attachments

JRS/lc

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