

1 Amend 2 Cal. Code Regs. Section 18215 to read:

2 **§ 18215. Contribution.**

3 (a) A contribution is any payment made for political purposes for which a donor does not
4 receive full and adequate consideration ~~is not made to the donor~~. A payment is made for
5 political purposes if it is:

6 (1) For the purpose of influencing or attempting to influence the action of the voters for
7 or against the nomination or election of a candidate or candidates, or the qualification or passage
8 of any measure; or

9 (2) Received by or made at the behest of the following or any agent thereof:

10 (A) A candidate;

11 (B) A controlled committee;

12 (C) An official committee of a political party, including a state central committee, county
13 central committee, assembly district committee, or any subcommittee of such committee; or

14 (D) An organization formed or existing primarily for political purposes, including, but
15 not limited to, a political action committee established by any membership organization, labor
16 union, or corporation.

17 (b) The term “contribution” includes:

18 (1) Certain Payments to Multipurpose Organizations, including Nonprofit or Tax-Exempt
19 Organizations and Federal or Out-of-State Political Organizations Active in California Elections.

20 A payment made by a person to a multipurpose organization as defined ~~and described~~ in Section
21 84222 and Regulation 18422 that is used for a contribution or expenditure. A donor to such a
22 multipurpose organization shall be identified and reported as provided in Section 84222 and
23 Regulation 18422.

1 (2) Candidate’s Own Money. A candidate’s own money or property used on behalf of his
2 or her candidacy.

3 (3) Discounted Goods or Services. Any goods or services received by or behested by a
4 candidate or committee at no charge or at a discount from the fair market value, unless the
5 discount is given in the regular course of business to members of the public.

6 (4) Payments From Lobbyists For Fundraising Costs. A payment made by a lobbyist or a
7 cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist,
8 including the value of the use of the home as a fundraising event venue. This payment cannot be
9 reimbursed by any person and is attributable to the lobbyist for purposes of the prohibition
10 against a lobbyist making a contribution to specified candidates and elected officers under
11 Section 85702.

12 (5) Payments From Lobbying Firms for Fundraising Costs. A payment made by a
13 lobbying firm for costs related to a fundraising event held at the office of the lobbying firm,
14 including the value of the use of the office as a fundraising event venue.

15 (c) Notwithstanding any other provision of this section, the term “contribution” does not
16 include:

17 (1) An expenditure made at the behest of a candidate in connection with a communication
18 directed to voters or potential voters as part of voter registration activities or activities
19 encouraging or assisting persons to vote, if the expenditure does not constitute express advocacy.

20 (2) Volunteer personal services or payments made by a person for his or her own travel
21 expenses, if such payments are made voluntarily without any understanding or agreement that he
22 or she will be repaid.

1 (3) A payment made by an occupant of a home or office, other than a lobbyist or
2 lobbying firm, for costs related to any meeting or fundraising event held in the occupant's home
3 or office, if the total cost of the meeting or fundraising event is \$500 or less, exclusive of the fair
4 rental value of the premises.

5 (4) A payment made at the behest of a candidate, ~~which is~~ for a communication by the
6 candidate or any other person; that meets all of the following:

7 (i) Does not contain express advocacy;

8 (ii) Does not make reference to the candidate's candidacy for elective office, the
9 candidate's election campaign, or the candidate's or his or her opponent's qualifications for
10 office; and

11 (iii) Does not solicit contributions to the candidate or to third persons for use ~~in~~ to support
12 ~~of the candidate or in opposition to~~ oppose the candidate's opponent.

13 (5) A payment made by a candidate or committee for another candidate to attend the
14 paying candidate's or committee's fundraiser.

15 (6) A payment made by a candidate for a communication publicizing his or her
16 endorsement by another candidate, provided that the communication does not expressly advocate
17 the nomination or election of the endorsing candidate or the defeat of an ~~opponent of the~~
18 endorsing ~~candidate~~ candidate's opponent.

19 (7) A payment made by a ballot measure committee for a communication in which the
20 ballot measure supported or opposed by the committee is endorsed or opposed by a candidate,
21 and the communication does not expressly advocate the nomination or election of the endorsing
22 candidate or the defeat of an ~~opponent of the endorsing candidate~~ candidate's opponent.

1 (8) A payment made by any broadcasting station (including a cable television operator,
2 programmer or producer), website, or a regularly published newspaper, magazine, or other
3 periodical of general circulation, including any Internet or electronic publication, that routinely
4 carries news and commentary of general interest, for the cost of covering or carrying a news
5 story, commentary, or editorial.

6 (9) A payment by an organization for its regularly published newsletter or periodical, if
7 the circulation is limited to the organization's members, employees, shareholders, other affiliated
8 individuals and those who request or purchase the publication. This exception applies only to the
9 costs regularly incurred in publication and distribution. Any additional costs incurred are
10 contributions, including, but not limited to, expanded circulation; substantial alterations in size,
11 style, or format; or a change in publication schedule, such as a special edition.

12 (10) A payment for a debate or other forum sponsored by a nonpartisan organization in
13 which at least two candidates appearing on the ballot for the same elective office were invited to
14 participate.

15 (11) A payment for a debate or other forum in which the proponent of a ballot measure
16 and at least one opponent, or their respective representatives, were invited to participate in equal
17 numbers.

18 (12) A payment for a debate or other forum sponsored by a political party or affiliated
19 committee in which a majority of the candidates for that party's nomination were invited to
20 participate.

21 (13) A payment made by a bona fide service, social, business, trade, union, or
22 professional organization, or group for reasonable overhead expenses associated with the
23 organization's regularly scheduled meeting at which a candidate or an individual representing

1 either side of a ballot measure speaks, if the organization pays no additional costs in connection
2 with the speaker's attendance.

3 (14) A payment received by, directed by, or made at the behest of a candidate for
4 personal purposes. ~~[NOTE: Such~~ However, these payments may constitute gifts, income, or
5 honoraria, and ~~as such~~ may be limited or prohibited, under other provisions of the Act. ~~See also~~
6 ~~Regulation 18941.1 regarding payments for food.]~~

7 (15) A payment made by a candidate for a communication in support of or opposition to a
8 ballot measure, if the communication features the endorsing candidate or clearly identifies him or
9 her as the sponsor of the communication. ~~[NOTE: this~~ This exception does not include a
10 monetary contribution from a candidate or his or her controlled committee to a ballot measure
11 committee.]

12 (16) A payment by a ~~sponsoring organization~~ sponsor for the establishment and
13 administration of a sponsored committee, as defined in Section 82048.7, provided such payments
14 are reported. Any monetary payment made under this subdivision to the sponsored committee
15 shall be made by separate instrument. ~~A "sponsoring organization" may be any person (see~~
16 ~~Section 82047) except a candidate or other individual (see Section 82048.7).~~ "Establishment and
17 administration" means the cost of office space, phones, salaries, utilities, supplies, legal and
18 accounting fees, and other expenses incurred in setting up and running a sponsored committee.

19 (17) A payment by a non-partisan organization, ~~that is~~ not affiliated with any candidate,
20 political party, or committee, and that has not endorsed or contributed to candidates or measures
21 in the election, to create and operate a website that posts political information. This website
22 must be designed to encourage individuals to vote or to register to vote, and must presents

1 present any candidate or measure-related content in a nonpartisan manner, giving reasonably
2 equal treatment to candidates for the same office or to both sides of a measure.

3 (18) Uncompensated Internet activity by an individual supporting or opposing a
4 candidate or measure as stated in Regulation 18215.2.

5 (d) A contribution made at the behest of a candidate for a different candidate or to a
6 committee not controlled by the behesting candidate is not a contribution to the behesting
7 candidate.

8 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015 and 85312,
9 Government Code.

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