

1 Adopt 2 Cal. Code Regs., Section 18216.5 to read:

2 **§18216.5. Controlled Committee: “Significant Influence” Defined.**

3 (a) General Rule. Under Section 82016, to determine whether a candidate or state
4 measure proponent exercises “significant influence” over the actions or decisions of a
5 committee, such that he or she controls the committee, it is necessary to examine the degree of
6 his or her involvement in the committee by considering the specific facts of each case.

7 (b) Actions or Decisions Resulting in Committee Control. A candidate or state measure
8 proponent exercises significant influence over the actions or decisions of a committee if he or
9 she:

10 (1) Is a voting member of the committee’s leadership body or holds a management
11 position within the committee;

12 (2) Participates in the committee’s decision-making or directs the activities of the
13 committee; or

14 (3) Develops or implements campaign strategy, including fundraising strategy, for the
15 committee.

16 (c) Actions or Decisions Not Resulting in Committee Control. A candidate or state
17 measure proponent does not exercise significant influence over the actions or decisions of a
18 committee if he or she solely:

19 (1) Serves as honorary chairperson of the committee and appears in the committee’s
20 letterhead;

21 (2) Provides the committee access to his or her contributor list;

22 (3) Assists in soliciting funds for the committee; or

23 (4) Is featured on an invitation to a fundraising event and speaks at the event.

1 (d) Other Relevant Facts. To determine if a candidate or state measure proponent
2 exercises significant influence over the actions or decisions of a committee under subdivision (a),
3 while not dispositive on the issue, other relevant facts include whether he or she:

4 (1) Personally raised an extensive amount of a committee’s funds to support a claim that
5 the candidate or state measure proponent developed or implemented the committee’s fundraising
6 strategy under subdivision (b)(3);

7 (2) Participated or assisted in multiple activities listed under subdivision (c).

8 (e) Agents. For purposes of this regulation, the terms “candidate” and “state measure
9 proponent” include their agents, when the agent is acting within the scope of his or her authority.
10 In addition, it includes representatives of any committee he or she controls.

11 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82016,
12 Government Code.