

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18215. Contribution.

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

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

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

(A) A candidate;

(B) A controlled committee;

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

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

(b) The term “contribution” includes:

(1) Certain Payments to Multipurpose Organizations, including Nonprofit or Tax-Exempt Organizations and Federal or Out-of-State Political Organizations Active in California Elections. A payment made by a person to a multipurpose organization as defined in Section 84222 and Regulation 18422 that is used for a contribution or expenditure. A donor to such a multipurpose organization shall be identified and reported as provided in Section 84222 and Regulation 18422.

(2) Candidate's Own Money. A candidate's own money or property used on behalf of the candidate's candidacy.

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

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

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

(c) Notwithstanding any other provision of this section, the term "contribution" does not include:

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

(2) Volunteer personal services or payments made by a person for the person's own travel expenses, if such payments are made voluntarily without any understanding or agreement that the person will be repaid.

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

(4) A payment made at the behest of a candidate for a communication by the candidate or any other person that meets all of the following:

(i) Does not contain express advocacy;

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

(iii) Does not solicit contributions to the candidate or to third persons for use to support the candidate or oppose the candidate's opponent.

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

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

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

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

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

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

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

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

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

ballot measure speaks, if the organization pays no additional costs in connection with the speaker's attendance.

(14) A payment received by, directed by, or made at the behest of a candidate for personal purposes. However, these payments may constitute gifts, income, or honoraria, and may be limited or prohibited, under other provisions of the Act.

(15) A payment made by a candidate for a communication in support of or opposition to a ballot measure, if the communication features the endorsing candidate or clearly identifies the candidate as the sponsor of the communication. This exception does not include a monetary contribution from a candidate or the candidate's controlled committee to a ballot measure committee.

(16) A payment by a sponsor for the establishment and administration of a sponsored committee, as defined in Section 82048.7, provided such payments are reported. Any monetary payment made under this subdivision to the sponsored committee shall be made by separate instrument. "Establishment and administration" means the cost of office space, phones, salaries, utilities, supplies, legal and accounting fees, and other expenses incurred in setting up and running a sponsored committee.

(17) A payment by a non-partisan organization not affiliated with any candidate, political party, or committee, that has not endorsed or contributed to candidates or measures in the election, to create and operate a website that posts political information. This website must be designed to encourage individuals to vote or to register to vote, and must present any candidate or measure-related content in a nonpartisan manner, giving reasonably equal treatment to candidates for the same office or to both sides of a measure.

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

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

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

HISTORY

1. New section filed 4-30-76; effective thirtieth day thereafter (Register 76, No. 18).
2. Amendment of subsection (e) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
3. Amendment filed 2-17-82; effective thirtieth day thereafter (Register 82, No. 8).
4. Amendment filed 7-12-84; effective thirtieth day thereafter (Register 84, No. 28).
5. Relettering of subsection (d) to subsection (e) and new subsection (d) filed 11-26-90; operative 12-26-90 (Register 91, No. 1).
6. Amendment filed 11-7-95; operative 11-7-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 45).
7. Editorial correction of subsection (b)(1) (Register 96, No. 43).
8. New subsection (c)(16) and amendment of Note filed 1-29-97 as an emergency; operative 1-29-97. Submitted to OAL for printing only (Register 97, No. 5).
9. Permanent regulation filed 6-26-97; operative 6-26-97. Submitted to OAL for printing only (Register 97, No. 26).

10. Repealer of subsections (c)(8)-(c)(8)(ii), new subsection (c)(8), amendment of subsections (c)(14) and (c)(16) and new subsections (c)(17)-(18) filed 12-20-2010; operative 1-19-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 52).

11. Amendment of subsections (b)(1)-(3) filed 4-19-2012; operative 5-19-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 16).

12. Amendment of subsection (b)(1) filed 8-7-2014; operative 8-29-2014 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2014, No. 32).

13. Amendment filed 4-2-2015; operative 5-2-2015. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27,

1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 14).

14. Amendment of subsections (b)(2), (c)(2), (c)(4)(ii), (c)(6) and (c)(15) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).