

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

§ 18404.2. Administrative Termination.

(a) Bases for Administrative Termination. The Chief of the Enforcement Division may terminate a recipient committee for any of the following reasons:

(1) The committee failed to file a campaign statement in the previous 12 months, and the committee had an ending cash balance of \$3,000 or less on its last campaign statement;

(2) The committee failed to file a campaign statement in the previous 12 months, the committee had an ending cash balance of \$5,000 or less on its last campaign statement, and the committee owes \$2,000 or more to the controlling candidate;

(3) The committee filed a Statement of Organization in error;

(4) The committee failed to file a campaign statement in the previous 48 months; or

(5) The committee failed to respond to the Enforcement Division's reasonable efforts to contact the committee regarding the committee's failure to file campaign statements or pay annual fees. "Reasonable efforts to contact the committee" means sending a written notice by certified mail to the committee treasurer at the treasurer's address listed on the committee's statement of organization, and attempting to contact an individual identified as a controlling candidate, principal officer, treasurer, or assistant treasurer on the committee's most recent campaign statement or statement of organization at the telephone number or email address listed on the statement.

(6) The Chief of the Enforcement Division obtains evidence to show the person responsible for the committee is deceased or incapacitated.

(b) 45 Day Notice of Termination. The Enforcement Division must provide a committee with written notice of a proposed termination 45 days prior to terminating the committee.

(c) Objection to Termination. The Enforcement Division will not terminate a committee if the committee files a written objection to a proposed termination. If no written objection is received within 45 days, the committee automatically terminates without further notice.

(d) Reinstatement. The Executive Director must reinstate a terminated committee if the committee files a written request for reinstatement with the Commission, files any delinquent statements required by the Enforcement Division, and pays any outstanding fees or fines.

(e) Prohibited Activity after Termination. A committee may not receive contributions or make expenditures exceeding the ending cash balance on the committee's last campaign statement after the Enforcement Division terminates the committee, except to pay outstanding filing fees or fines.

(f) Notice to Filing Officers. The Commission will provide notice of a termination or reinstatement of a committee within 90 days to the filing officers with whom the committee was required to file its last campaign statement.

Note: Authority cited: Sections 83112 and 84212, Government Code. Reference: Sections 82013 and 84212, Government Code.

HISTORY

1. New section filed 1-5-2012; operative 2-4-2012. 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. 1). For prior history of section 18404.2, see Register 2002, No. 7.

2. Repealer and new section filed 7-15-2015; operative 8-14-2015. 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 2015, No. 29).

3. Amendment of subsections (a)-(a)(2), new subsections (a)(3) and (a)(6), subsection renumbering and amendment of newly designated subsections (a)(4)-(5) filed 11-16-2020; operative 1-1-2021 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 2020, No. 47).