

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

§ 18932.5. Exclusions From “Honorarium”: Direct Charitable Donations.

The following payments are excluded from the definition of “honorarium”:

(a) A charitable donation, if all of the following apply:

(1) The donation is made directly to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, and is not delivered to the individual;

(2) The individual does not make the donation a condition for the individual's speech, article, or attendance;

(3) The individual does not claim the donation as a deduction from income for tax purposes;

(4) The donation will have no reasonably foreseeable financial effect on the individual, or on any member of the individual's immediate family; and

(5) The individual is not identified to the recipient organization in connection with the donation. If the individual knows or has reason to know that a donor intends to make such a donation, the individual must inform the donor that the donation cannot be made in the individual's name.

Note: Authority: Section 83112, Government Code. Reference: Sections 89501 through 89506, Government Code.

HISTORY

1. New section filed 10-14-92; operative 11-13-92 (Register 92, No. 42).

2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).

3. Amendment of subsections (a)(1)-(5) and Note filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).

4. Amendment of subsections (a)(2) and (a)(4) 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).