

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

§ 18421.31. Text Message Contributions.

(a) This regulation applies to a committee engaging in fundraising through text message contributions. Text message refers to messages sent to phones over the short message service (“SMS”).

(b) Pursuant to Regulation 18421.1(c), text message contributions are received on the date that a mobile fundraising vendor, acting as agent of the candidate or committee, obtains possession or control of the contributions.

(c) Contributions made by text message shall be considered to be transferred promptly to a committee's campaign bank account as required by Section 84306 and Regulation 18421.3 if they are collected by the wireless carrier and forwarded by the mobile fundraising vendor to the committee following the standard business practices for those transactions.

(d) In addition to any other records required by the Act and regulations, a committee raising funds by text message contributions shall maintain the records required by Regulation 18401(a) paragraphs (1)-(3) for contributions under \$25, for contributions from \$25 to less than \$100, and for contributions of \$100 or more, respectively.

(e) A contribution made by text message shall be attributed to the person who is subscribed to the cell phone number that texted in the contribution.

(f) Under Regulation 18421.3(a), the entire amount authorized by the contributor is the amount of the contribution, and any amounts paid by the committee to the wireless carrier or mobile fundraising vendor for processing the contributions shall be reported by the committee as an expenditure.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015, 84104 and 84306, Government Code.

HISTORY

1. New section filed 11-8-2011; operative 12-8-2011. 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) (Register 2011, No. 45).