

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

**§ 18521.5. Ballot Measure Committees Controlled by Candidates for Elective State Office.**

Except as otherwise provided for recall committees under Section 85315 and Regulation 18531.5, a candidate for elective state office, or a candidate for city or county elective office subject to the contribution limit in Section 85301(d), may control a committee under Section 82013(a) to support or oppose the qualification or passage of a measure, only as provided in this regulation.

(a) Committee Name.

(1) If the committee is a general purpose ballot measure committee, the committee name must include the name of the controlling candidate pursuant to Regulation 18402(c)(1), and expressly indicate it is a ballot measure committee.

(2) If the committee is a primarily formed ballot measure committee, the committee name must include, in addition to the information set forth in subdivision (a)(1), the information required in Section 84107.

(b) Statement of Organization.

(1) The committee must identify on its Statement of Organization each measure on which the committee has spent, or anticipates spending, \$50,000 or more in the current two year period, beginning with January 1 of an odd-numbered year and ending with December 31 of the following even-numbered year.

(2) If an official ballot designation has not been assigned to a measure or potential measure that must be identified pursuant to subdivision (b)(1), the Statement of Organization must describe the purpose of the anticipated measure or measures. The committee must amend

its Statement of Organization pursuant to Section 84103 to correctly identify the measure or measures after an official ballot designation has been assigned.

(c) Application of Section 85310. If the committee makes a communication described in Section 85310(a) that “clearly identifies” a candidate for elective state office, as defined in Regulation 18531.10(a)(1), contributions to the committee are subject to the limit prescribed for political party committees in Section 85303(b) if the communication is made at the behest of the clearly identified candidate.

(d) Committee Expenditures.

(1) Except as permitted under paragraphs (2) and (3) below, committee funds must be used only to make expenditures related to a state or local measure or potential measure anticipated by the committee, or to qualification or pre-qualification activities relating to such measures. Such expenditures include, but are not limited to, payment of the committee's reasonable and ordinary operating costs, administrative overhead, fundraising activities, travel, compliance costs, and attorney's fees incurred as a result of the committee's activities.

(2) The committee may at any time return all or part of a contribution to a committee contributor.

(3) A committee that is preparing to terminate its status as a committee may, at any time within 60 days prior to the effective date of its termination, disburse some or all of its leftover funds in either of the following ways:

(A) Pursuant to subdivision (b)(3) of Section 89519.

(B) To a political party committee, so long as the funds are not used for a contribution as defined in Section 82015 to a candidate, or for a communication which expressly advocates the nomination, election or defeat of a clearly identified candidate as defined in Section 82031.

(e) In addition to any other reporting and recordkeeping requirements, the committee shall also comply with the provisions of Regulations 18401(a)(6) and 18421.8.

(f) No provision of this regulation shall be construed to permit any of the following:

(1) A contribution of committee funds to a controlled committee of a candidate for elective office that is not operated as a candidate controlled ballot measure committee pursuant to this section.

(2) A payment of committee funds in violation of the restrictions on use of campaign funds by candidate controlled campaign committees described in Sections 89511 through 89518.

(3) A use of committee funds in violation of Elections Code Section 18680.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82013, 82015, 82016, 82027.5, 82031, 82047.5, 84102, 84103, 84107, 84504, 85201, 85301, 85302, 85303, 85304, 85304.5, 85310, 85316 and 85702.5, Government Code.

### **History**

1. New section filed 1-30-2009; operative 3-1-2009. 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 2009, No. 5).

2. Amendment of section and Note filed 10-3-2013; operative 11-2-2013. 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 2013, No. 40).

3. Amendment of subsections (a)(1)-(2), (b)(1)-(2) and (d)(1) filed 2-13-2018; operative 3-15-2018 pursuant to title 2, section 18312(e)(1)(A) of the California Code of Regulations. 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) (Register 2018, No. 7).

4. Amendment of section heading, first paragraph and Note filed 3-22-2021; operative 4-21-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). 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 2021, No. 13).