

1 Amend 2 Cal. Code Regs., Section 18215 to read:

2 **§ 18215. Contribution.**

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

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

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

9 (A) A candidate;

10 (B) A controlled committee;

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

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

16 (b) The term “contribution” includes:

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

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

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

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

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

13 (c) Notwithstanding any other provision of this section, the term “contribution” does not  
14 include:

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

18 (2) Volunteer personal services or payments made by a person for ~~his or her~~ the person’s  
19 own travel expenses, if such payments are made voluntarily without any understanding or  
20 agreement that ~~he or she~~ the person will be repaid.

21 (3) A payment made by an occupant of a home or office, other than a lobbyist or  
22 lobbying firm, for costs related to any meeting or fundraising event held in the occupant's home

1 or office, if the total cost of the meeting or fundraising event is \$500 or less, exclusive of the fair  
2 rental value of the premises.

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

5 (i) Does not contain express advocacy;

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

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

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

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

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

21 (8) A payment made by any broadcasting station (including a cable television operator,  
22 programmer or producer), website, or a regularly published newspaper, magazine, or other  
23 periodical of general circulation, including any Internet or electronic publication, that routinely

1 carries news and commentary of general interest, for the cost of covering or carrying a news  
2 story, commentary, or editorial.

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

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

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

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

18 (13) A payment made by a bona fide service, social, business, trade, union or professional  
19 organization or group for reasonable overhead expenses associated with the organization's  
20 regularly scheduled meeting at which a candidate or an individual representing either side of a  
21 ballot measure speaks, if the organization pays no additional costs in connection with the  
22 speaker's attendance.

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

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

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

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

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

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

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