

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

§ 18438.5. Aggregated Contributions Under Government Code Section 84308.

(a) To determine whether a contribution of more than \$250 has been made by a party or participant during a 12-month period, the following shall be aggregated:

(1) All contributions made by the party or participant;

(2) All contributions made by an agent of the party or participant during the shorter of:

(A) The previous 12-month period; or

(B) The period beginning on the date the party or participant first hired the agent as either a paid employee, contractor, or consultant.

(3) All contributions made by an individual, other than an uncompensated officer of a nonprofit organization, or entity required to be aggregated with the party or participant and any agent of the party or participant under Section 82015.5.

(b) An officer has no reason to know a contribution from an individual or entity is required to be aggregated with a contribution from the party or participant and any agent of the party or participant, and does not violate Section 84308 as a result of the contribution from the individual or entity if, at the time of the potential violation, both the following criteria are met:

(1) The party, participant, or agent has not disclosed the contribution on the record of the proceeding; and

(2) The officer does not otherwise know facts establishing that the contribution must be aggregated pursuant to Section 82015.5 and this regulation.

CREDITS

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82015.5, 84308, Government Code.

HISTORY

1. New section filed 5-26-2006; operative 6-25-2006. 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 2006, No. 21). For prior history of section 18438.5, see Register 85, No. 8.
2. Editorial correction removing erroneous HISTORY 2 (Register 2014, No. 39).
3. Amendment filed 9-25-2014; operative 9-25-2014. 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 2014, No. 39).
4. Amendment of subsection (a) filed 9-14-2020; operative 10-14-2020 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. 38).
5. Amendment of section and NOTE filed 7-13-2023; operative 8-12-2023 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 2023, No. 28).