

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

**§ 18438.6. Solicitation, Direction, and Receipt of Contributions Under Government Code Section 84308.**

(a) A person “makes” and an officer “accepts” or “receives” a contribution only if the contribution is for the officer's campaign or controlled committee, including, but not limited to:

- (1) Campaign committees;
- (2) Ballot measure committees;
- (3) Legal defense funds;
- (4) Officeholder Controlled Committees formed pursuant to Section 85316(b) and

Regulation 18531.62; and

- (5) Recall committees.

(b) An officer “solicits” a contribution only if the officer knows or has reason to know that the person being solicited for a contribution is a party or agent of a party, or is a participant or agent of a participant, and:

- (1) The officer requests a contribution for any campaign or committee, including those not controlled by the officer;
- (2) The agent of the officer, with the officer's knowledge, requests a contribution for the officer's campaign or controlled committee; or
- (3) The agent of the officer, at the direction of the officer, requests a contribution for any other campaign or committee.

(c) An officer “directs” a contribution only if the officer solicits a person for a contribution to a campaign or committee and:

(1) The officer knows or has reason to know the person is a party, participant, or agent of a party or participant; and

(2) The person makes the contribution to the campaign or committee.

(d) Notwithstanding subsections (b) and (c), an officer does not solicit or direct a contribution by making a request in a mass mailing sent to members of the public, to a public gathering, or published in a newspaper, on radio or TV, or in any other mass media.

An officer does not “solicit” or “direct” a contribution solely because the officer's name is printed with other names on stationery or a letterhead used to request contributions.

### **CREDITS**

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

### **HISTORY**

1. New section filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
2. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).
3. Amendment of subsections (b)-(c)(1) and (d)-(e) 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).
4. Amendment 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).