

1 Adopt 2 Cal. Code Regs., Section 18216.5 to read:

2 **§18216.5. Controlled Committee: “Significant Influence” Defined.**

3 (a) General Rule. Under Section 82016, to determine whether a candidate or state
4 measure proponent exercises “significant influence” over the actions or decisions of a
5 committee, such that he or she controls the committee, it is necessary to examine the degree of
6 his or her involvement in the committee by considering the specific facts of each case.

7 (b) Actions or Decisions Resulting in Committee Control. A candidate or state measure
8 proponent exercises significant influence over the actions or decisions of a committee if he or
9 she:

10 (1) Is a voting member of the committee’s leadership body or holds a management
11 position within the committee;

12 (2) Participates in the committee’s decision-making or directs the activities of the
13 committee; or

14 (3) Develops or implements campaign strategy, including fundraising strategy, for the
15 committee.

16 (c) Actions or Decisions Not Resulting in Committee Control. A candidate or state
17 measure proponent does not exercise significant influence over the actions or decisions of a
18 committee if he or she solely:

19 (1) Serves as honorary chairperson of the committee and appears in the committee’s
20 letterhead;

21 (2) Provides the committee access to his or her contributor list;

22 (3) Assists in soliciting funds for the committee; or

23 (4) Is featured on an invitation to a fundraising event and speaks at the event.

1 ~~(d) *Other Relevant Facts.* To determine if a candidate or state measure proponent~~
2 ~~exercises significant influence over the actions or decisions of a committee under subdivision (a),~~
3 ~~while not dispositive on the issue, other relevant facts include whether he or she:~~

4 ~~(1) Personally raised an extensive amount of a committee's funds to support a claim that~~
5 ~~the candidate or state measure proponent developed or implemented the committee's fundraising~~
6 ~~strategy under subdivision (b)(3);~~

7 ~~(2) Participated or assisted in multiple activities listed under subdivision (c).~~

8 ~~(ed) *Agents.* For purposes of this regulation, the terms "candidate" and "state measure~~
9 ~~proponent" include their agents, when the agent is acting within the scope of his or her authority.~~
10 ~~In addition, it includes representatives of any committee he or she controls.~~

11 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 82016,~~
12 ~~Government Code.~~