

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

**§ 18991. Audits of Campaign Reports and Statements of Local Candidates and Their Controlled Committees.**

(a) The Commission shall select local candidates and their controlled committees for audit by the Franchise Tax Board pursuant to Government Code section 90001(i) and this section.

(b) Local candidates and committees shall be selected for audit each odd-numbered year, at the same time that candidates for the Legislature in a direct primary or general election are selected for audit, or as soon as feasible thereafter.

(c) The Commission shall select a total of 20 local jurisdictions to be audited, in accordance with the schedules in subdivisions (d), (e), (f) and (g). The Commission shall then determine, by random selection, the order in which the Franchise Tax Board shall conduct the audits of the 20 local jurisdictions. The Commission may exclude from the selection of jurisdictions required by this subdivision any jurisdiction that is subject to audit by a local agency or the Commission.

If the Commission receives notice that the Franchise Tax Board is able to conduct additional audits of local jurisdictions with the funds available during a two-year cycle, the Commission shall select an additional 20 local jurisdictions to be audited, in accordance with the schedules in subdivisions (d), (e), (f) and (g). The Commission shall determine, by random selection, the order in which the Franchise Tax Board shall conduct the additional audits.

If the Franchise Tax Board is unable to audit all of the jurisdictions selected with the funds available during a two-year audit cycle, the remaining jurisdictions shall be subject to

random audit during the next audit cycle on the same basis as any other jurisdiction of the same type.

(d) A total of 40 percent of the jurisdictions selected for audit shall be counties, including any city and county. When a county is selected for audit, the audit shall include primary election candidates for county office, as defined in Elections Code section 34, and general election candidates for county office, as defined in Elections Code section 34, at the last county primary and general elections held prior to the audit selection. Those candidates who file pursuant to Government Code section 84206 shall not be audited under this provision.

Counties shall be grouped by population size, as determined by the most recent population estimates published by the Department of Finance, and the total number of jurisdictions selected for audit from each group, by random selection, shall be:

(1) Counties with a population of 700,000 or more -- 15 percent of the total jurisdictions selected.

(2) Counties with a population of at least 150,000 but less than 700,000 -- 15 percent of the total jurisdictions selected.

(3) Counties with a population of less than 150,000 -- 10 percent of the total jurisdictions selected.

(e) A total of 40 percent of the jurisdictions selected for audit shall be cities, not including any city and county. When a city is selected for audit, the audit shall include candidates for city elective office at the last general municipal election held prior to the audit selection. Those candidates who file pursuant to Government Code section 84206 shall not be audited under this provision.

Cities shall be grouped by population size, as determined by the most recent population estimates published by the Department of Finance, and the total number of jurisdictions selected for audit from each group, by random selection, shall be:

(1) Cities with a population of 100,000 or more -- 15 percent of the total jurisdictions selected.

(2) Cities with a population of at least 25,000 but less than 100,000 -- 15 percent of the total jurisdictions selected.

(3) Cities with a population of less than 25,000 -- 10 percent of the total jurisdictions selected.

(f) A total of 10 percent of the jurisdictions selected for audit shall be school districts and community college districts. These districts shall be selected by random selection. When a school district or community college district is selected for audit, the audit shall include candidates for governing board at the last regular school or community college district election held prior to the audit selection. Those candidates who file pursuant to Government Code section 84206 shall not be audited under this provision.

(g) A total of 10 percent of the jurisdictions selected for audit shall be special districts, not including school and community college districts. These districts shall be selected by random selection. When a special district is selected for audit, the audit shall include all candidates for governing board of the district at the last general district election held prior to the audit selection. Those candidates who file pursuant to Government Code section 84206 shall not be audited under this provision.

## **CREDITS**

Note: Authority cited: Section 83112, Government Code. Reference: Section 90001(i), Government Code.

## **HISTORY**

1. Change without regulatory effect renumbering former section 18910 to section 18991 filed 1-30-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 5).
2. Editorial correction of History 1 (Register 95, No. 13).
3. Amendment of subsections (d), (e), (f) and (g) filed 2-8-99; operative 2-8-99 pursuant to Government Code section 11343.3(d) (Register 99, No. 7).
4. Amendment filed 2-18-2003; operative 2-18-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 8).
5. Amendment of subsection (c) filed 9-11-2024; operative 10-11-2024 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 2024, No. 37).