

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

§ 18215.2. Uncompensated Internet Activity by Individuals that is not a Contribution or Expenditure.

(a) Definitions:

(1) Internet activities. For the purposes of this regulation, the term “Internet activities” includes, but is not limited to, the following activities conducted over or related to the Internet: sending or forwarding electronic messages; social networking; providing a hyperlink or other direct access to another person's website; blogging; creating, maintaining or hosting a website; paying a nominal fee for the use of another person's website; and any other form of communication distributed over the Internet.

(2) Equipment and services. For the purposes of this regulation, the term “equipment and services” includes, but is not limited to: computers, handheld communication devices that provide access to the Internet, software, routers, servers, Internet access purchased from an Internet Service Provider (ISP), subscription fees, blog hosting services, bandwidth, licensed graphics used on the Internet, Internet domain name services, e-mail services, and any other technology that is used to provide access to or use of the Internet.

(b) When an individual or a group of individuals, acting independently or in coordination with any candidate, committee, or political party committee, engages in Internet activities for the purpose of supporting or opposing a candidate or measure under the Act, neither of the following is a contribution or an expenditure by that individual or group of individuals:

(1) The individual's uncompensated personal services related to such Internet activities;

(2) The individual's use of equipment or services for uncompensated Internet activities, regardless of who owns the equipment and services.

(c) The exemption in subdivision (b) of this Regulation does not apply to an individual blogger who receives a majority of his or her advertisement revenue from a single candidate or committee, because he or she is not considered to be providing uncompensated personal services.

(d) This Regulation does not exempt the following from the definition of contribution or expenditure and accordingly such payments count towards the committee qualification thresholds of Section 82013:

(1) Any payment for any general or public advertisement, as described in Section 84501, which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure.

(2) Any payment for a communication supporting or opposing a candidate or ballot measure placed for a fee (other than a nominal amount) on another person's website.

(3) Any payment for the purchase or rental of an e-mail address list made at the direction of a political committee; or any payment for an e-mail address list that is transferred to a political committee.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015, 82025 and 85312, Government Code.

HISTORY

1. New section filed 12-20-2010; operative 1-19-2011. 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 2010, No. 52). For prior history, see Register 2007, No. 35.