

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

§ 18216. Enforceable Promise to Make a Payment.

(a) A person who makes an enforceable promise to make a payment to or at the behest of a candidate or committee makes a contribution to the candidate or committee, except to the extent the person receives full and adequate consideration, and unless it is clear from the surrounding circumstances that the enforceable promise is not made for political purposes.

(b) A person makes an “enforceable promise to make a payment,” as that term is used in subdivision (a), if the person:

- (1) Guarantees a loan.
- (2) Furnishes security for a loan.
- (3) Endorses a loan.
- (4) Cosigns a loan.
- (5) Makes and delivers a post-dated check.
- (6) Establishes a line of credit at a bank or other commercial lending institution for a candidate or committee.
- (7) Promises in writing to make a payment for specific goods or services, and the candidate or committee, based on the promise, expends specific funds or enters into an enforceable contract with a third party.

(c) A person does not make an “enforceable promise to make a payment,” as that term is used in subdivision (a), if the person signs a pledge card or similar document, agrees to make installment payments through wire transfer, credit card transaction, debit account transaction or

similar electronic payment or otherwise agrees, orally or in writing, to make a future payment except as provided in subdivision (b).

(d) A candidate or committee shall report receipt of an enforceable promise to make a payment using the forms furnished by the Commission. This reporting shall be consistent with the requirements for reporting of contributions contained in chapter 4 (commencing with section 84100) of title 9 of the Government Code.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82015, Government Code.

HISTORY

1. New section filed 2-18-88; operative 3-19-88 (Register 88, No. 9). For history of former Section 18216, see Register 86, No. 10.
2. Amendment of subsections (b), (c) and (d) filed 11-6-2006; operative 12-6-2006. 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. 45).
3. Amendment of subsections (b) and (c) 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).