

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

§ 18421.1. Disclosure of the Making and Receipt of Contributions.

Except as otherwise provided by law, the following standards shall be applicable to contributions and expenditures:

(a) A monetary contribution, including one made through wire transfer, credit card transaction, debit account transaction or similar electronic payment option (including one made via the Internet), is "made" on the date that the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Alternatively, the date of the check or other negotiable instrument by which the contribution is made may be used in lieu of the date on which the contribution is mailed, delivered, or otherwise transmitted, provided it is no later than the date the contribution is mailed, delivered, or otherwise transmitted.

(b) Notwithstanding subdivision (a), for purposes of the disclosure of late contributions, as defined in Government Code section 82036 and pursuant to Government Code section 84203, a monetary contribution is "made" on the date the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Consistent with 2 Cal. Code Regs. section 18401, the candidate or committee shall maintain documentation to support the date the contribution was made.

(c) A monetary contribution is "received" on the date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the check or other negotiable instrument by which the contribution is made. All contributions received by a person acting as an agent of a candidate or committee shall be reported to and disclosed by the candidate or committee, or by the committee's treasurer, no later than the closing date of the next

campaign statement that the committee or candidate is required to file.

(d) Notwithstanding subdivision (c) above, a monetary contribution collected by means of payroll deductions or membership dues by a membership organization for its sponsored committee pursuant to Government Code section 82048.7(b)(2) is "received" by the committee on the earlier of the following:

- (1) The date that the committee obtains actual possession or control of the contribution;
- (2) Within 60 days after the receipt of the payment by the committee's sponsor.

(e) Notwithstanding subdivision (c) above, a monetary contribution made through wire transfer, credit card transaction, debit account transaction or similar electronic payment option (including those made via the Internet) is "received" on the date the candidate or committee, or the agent of the candidate or committee, obtains possession or has control of the debit/credit account information or other payment information by which the contribution is made, or on the date the candidate or committee, or the agent of the candidate or committee, obtains possession or has control of the funds, whichever is earlier. In the case of installment payments, the contribution is received when the candidate or committee, or agent of the candidate or committee, obtains possession or control of the funds for each installment payment. The contribution reported is the amount of each installment payment.

(f) A nonmonetary contribution is "made" by the contributor, and "received" by the candidate or committee, on the earlier of the following dates:

(1) The date that funds are expended by the contributor for goods or services, if the specific expenditure is made at the behest of the candidate or committee;

(2) The date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the goods or services, or the date that the candidate or committee

otherwise receives the benefit of the expenditure.

(g) The standards for when a contribution is "made" and "received" set forth in this section are not applicable where a contribution is disposed of pursuant to Government Code sections 84211(q), 84203(c), or 2 Cal. Code Regs. section 18531.

Note: Authority cited: Section 83112, Gov. Code. Reference: Sections 82015, 82025, 82048.7, 84203, 84211 and 84306, Gov. Code.

HISTORY

1. New section filed 3-10-92; operative 4-9-91 (Register 92, No. 13).
2. Editorial correction of subsection (f) (Register 96, No. 43).
3. Amendment filed 9-23-2004; operative 9-23-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 39).
4. Amendment of subsection (e) 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).