

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

§ 18423. Payments for Personal Services as Contributions and Expenditures.

(a) The payment of salary, reimbursement for personal expenses, or other compensation by an employer to an employee who spends more than 10% of his or her compensated time in any one month rendering services for political purposes is a contribution, as defined in Section 82015 and Regulation 18215, or an expenditure, as defined in Section 82025, by the employer if:

(1) The employee renders services at the request or direction of the employer; or

(2) The employee, with consent of the employer, is relieved of any normal working responsibilities related to his or her employment in order to render the personal services, unless the employee engages in political activity on bona fide, although compensable, vacation time or pursuant to a uniform policy allowing employees to engage in political activity.

(b) Personal services are rendered for political purposes if they are carried on for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the qualification or passage of any measure, and include but are not limited to:

(1) Personal services received by or made at the behest of a candidate or committee by an employee; and

(2) Hours spent developing or distributing communications that expressly advocate the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure.

(c) The amount of the contribution or expenditure reportable pursuant to this regulation is the pro-rata portion of the gross salary, reimbursement for personal expenses or compensation

attributable to the time spent on political activity. An in-kind contribution of the services of salaried personnel to a committee and the expenditure by the person making the salary payment are considered to be made on the payroll date of the salaried personnel.

(d) This regulation does not affect the obligation of an employer or any other person to report expenditures and contributions other than the salary, reimbursement for personal expenses, or compensation for personal services of an employee.

(e) Notwithstanding the provisions of subsection (a), salary, reimbursement for personal expenses and compensation paid to an employee by an employer who has contracted to provide services to a candidate or committee are not contributions or expenditures by the employer, provided that the services rendered by the employee are not beyond the scope of the contract. This paragraph does not affect any reporting obligation imposed by Section 84303.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015, 82025 and 84211, Government Code.

HISTORY

1. New section filed 5-10-76; effective thirtieth day thereafter (Register 76, No. 20).
2. Editorial correction (Register 77, No. 22).
3. Editorial correction of section title filed 1-9-81 (Register 81, No. 2).
4. Amendment of section heading filed 2-17-82; effective thirtieth day thereafter (Register 82, No. 8).
5. Editorial correction of Reference cite (Register 95, No. 17).
6. Amendment of subsections (a), (c) and (e) filed 1-10-2012; operative 2-9-2012. 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 2012, No. 2).

7. Amendment of subsections (a) and (a)(2) filed 2-13-2018; operative 3-15-2018 pursuant to title 2, section 18312(e)(1)(A) of the California Code of Regulations. Submitted to OAL for filing and printing 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) (Register 2018, No. 7).

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