

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

**§ 18531.10. Communications Identifying State Candidates.**

(a) Definitions. For purposes of Section 85310:

(1) A candidate is “clearly identified” if the communication states his or her name, makes unambiguous reference to his or her office or status as a candidate, or unambiguously describes him or her in any manner. A candidate also is “clearly identified” if the communication contains the voice or a visual depiction of the candidate. A candidate is not considered “clearly identified” if the candidate's name is required by the provisions of state or federal law to appear in the communication and the candidate is not singled out in the manner of display.

(2) A communication “expressly advocate[s]” the election or defeat of a candidate as that term is defined in Section 82025(c)(2).

(3) A communication is “made at the behest” of a candidate as that term is defined in Regulation 18225.7.

(b) The \$50,000 threshold contained in Section 85310(a) is met when a person makes or promises to make a payment or payments totaling \$50,000.

(c) Communications are subject to Section 85310(a) if they occur within 45 days before an election for which the candidate identified is on the ballot.

(d) The contribution limit referred to in Section 85310(c) applies to all contributions received by a committee that makes or promises to make payments at the behest of a candidate for a communication described in Section 85310(a), regardless of whether the contributions are used to fund the communication at issue. Once a committee receives a contribution or contributions in excess of the limit referenced in Section 85310(c), the committee may not make

or promise to make a payment for a communication governed by that subdivision. Any contribution received by a committee that makes a communication described in Section 85310(c) may not be attributed to a person other than the person making the contribution to that committee.

(e) The contribution limits under this regulation are subject to periodic adjustment pursuant to Government Code section 83124.

Note: Authority cited: Section 83112, Government Code. Reference: Section 85310, Government Code.

### **HISTORY**

1. New section filed 7-30-2004; operative 7-30-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 31).
2. Amendment of subsections (a) and (a)(2)-(d) 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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