

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

§ 18946.4. Exception -- Valuation of Gifts: Attendance at Nonprofit or Political Organization Fundraising Event.

This regulation establishes the value of a ticket, or admission by invitation, when the ticket or invitation to attend is to a fundraising event for a nonprofit or political organization.

(a) Nonprofit Fundraiser. Except as provided in subdivision (b), the value of a ticket or admission by invitation, to a fundraising event for a non-profit, tax-exempt organization that is not a committee covered by subdivision (c) is determined as follows:

(1) When the ticket clearly states that a portion of the ticket price is a donation to the organization, or the organization provides information indicating the portion of the admission price that constitutes the donation, the value of the ticket is the nondeductible portion of the admission.

(2) If there is no ticket, or other official information provided by the organization, indicating the value of the nondeductible portion of the admission, the value of the admission is the pro-rata share of the cost of any food, catering services, entertainment, and any other item provided to the official that is available to all guests attending the event, as determined under Regulation 18946.2 for invitation-only events. Any other specific benefit provided to the official at the event, such as golf green fees, is valued at fair market value.

(b) 501(c)(3) Organization Fundraiser. When the event is a fundraising event for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, the organization may provide two tickets or invitations per event to an official that shall be deemed to have no value. Additional tickets or admissions by invitation provided to or controlled by the official and any tickets not provided directly by the 501(c)(3) organization to the official are valued under subdivision (a) above.

(c) Political Fundraiser. For a ticket or invitation to attend a fundraising event for a committee defined in Section 82013(a), or a comparable committee regulated under federal law or the laws of another state, the committee or candidate may provide two tickets or invitations per event to an official that shall be deemed to have no value. Additional tickets or admissions by invitation provided to or controlled by the official and any tickets not provided directly by the committee or candidate to the official are valued under subdivision (a) above.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 87207 and 89503, Government Code.

HISTORY

1. Renumbering of section 18726.8 to section 18946.4 with amendment of section heading, text and Note filed 1-25-93; operative 1-25-93 (Register 93, No. 5).
2. Editorial correction deleting irrelevant History note (Register 94, No. 25).
3. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
4. Amendment of subsections (a)-(a)(2) and amendment of Note filed 5-2-2005; operative 5-2-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 18).
5. Amendment of section heading and section filed 9-4-2008; operative 10-4-2008. 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) (Register 2008, No. 36).
6. Amendment of section heading, section and Note filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012. 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. 4).