



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

September 16, 2025

Assemblymember Carl DeMaio
Chairperson, Reform California
P.O. Box 27227
San Diego, CA 92198

Re: Your Request for Informal Assistance
Our File No. I-25-119

Assemblymember DeMaio:

This letter responds to your request for advice regarding the campaign provisions of the Political Reform Act (the “Act”).¹

Please note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice. Because your questions are general in nature, we are treating your request as one for informal assistance.²

QUESTIONS

1. As one of three proponents of a prospective California ballot measure, the California Voter ID Initiative, how must you report activity undertaken by your candidate controlled general purpose ballot measure committee in support of the prospective measure?
2. For advertisements requiring top contributor disclosures under the Act, must a communication include that there are “no top contributors” where no contributor has reached the \$50,000 threshold?

CONCLUSIONS

1. Reportable activity undertaken by your controlled general purpose ballot measure committee in coordination with another primarily formed ballot measure committee should be reported as in-kind contributions from your ballot measure committee to the committee primarily

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

formed for the measure. Conversely, activity done solely by your general purpose ballot measure committee, independent of the measure's primarily formed committee, should be reported as independent expenditures in support of the measure.

2. No. Where no contributor has reached the \$50,000 top contributor threshold, it is not required for a communication to indicate that the committee has "no top contributors."

FACTS AS PRESENTED BY REQUESTER

You are an Assemblymember and one of three proponents of the "California Voter ID Initiative" (AG# 25-0007), a prospective 2026 statewide ballot measure. The proposed measure is currently awaiting title and summary from the Attorney General's office. The other proponents include State Senator Tony Strickland and Don DiCostanzo, a representative of Californians for Voter ID. You control your own general purpose ballot measure committee (Reform California with Carl DeMaio - Ballot Measure Committee) and have stated that each of the other proponents controls a ballot measure committee primarily formed to support the initiative.

You further provided that under state law, the proponents are the only individuals eligible to submit signatures to each County Registrar of Voters. Since there are three proponents, only one can take the lead on submitting signatures from a logistical standpoint. You assume that the Californians for Voter ID committee will be collecting 90% of the signatures, as your committee's efforts will be through volunteers. Nevertheless, your ballot measure committee plans on undertaking the following:

- Paying for the printing and mailing of state-approved petitions for the ballot measure, urging voters to sign and return the petition to the Reform California committee;
- Paying to recruit, train, and organize volunteers to collect signatures on an unpaid basis;
- Using volunteer and paid staff and providing materials to validate signatures received back from volunteer signature collectors.

Your questions pertain to how the value of signatures collected and submitted to Californians for Voter ID committee by the Reform California with Carl DeMaio – Ballot Measure Committee should be calculated and reported. Your ballot measure committee may also undertake activity in support of the measure, but separate from the Californians for Voter ID committee, and would like to know how to report this activity.

While you plan on encouraging individuals to contribute to the Californians for Voter ID Committee, you have no advisory or management role in how this committee operates or spends its money. It is a separate committee, and you have your own candidate controlled ballot measure committee through which you do your ballot measure work.

Separately, your ballot measure committee has a self-imposed rule to never accept more than \$48,999 during a calendar year from any individual donor or source. Specified campaign advertisements require the disclosure of top contributors of \$50,000 or more. As the Reform

California with Carl DeMaio – Ballot Measure Committee does not have any contributors of \$50,000 or more, you would like to know how this must be disclosed in the advertisements.

ANALYSIS

1. Activity in Support of the California Voter ID Initiative

Under the Act, “measure” includes any proposition that is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum, or recall procedure, whether or not it qualifies for the ballot. (Section 82043.) An initiative, referendum, or recall becomes a “measure” when the proponents begin to circulate signature petitions to qualify the proposal for the ballot. (*Fontana Opinion* (1976) 2 FPPC Ops. 25.)

Once a proposal becomes a measure, all contributions received and expenditures made must be reported, including those received and made before the campaign reporting requirements were triggered. (*Angus Advice Letter*, A-97-173.) The terms “contribution” and “expenditure” are defined as payments made for “political purposes.” (Sections 82015 and 82025.) “Political purpose” means that the payment was made for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure. (Regulations 18215(a)(1) and 18225(a)(1).)

Petition Signatures as Nonmonetary Contributions

The definition of contribution includes “the transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.” (Section 82015.) A contribution can be either monetary, such as cash, check, credit card, wire transfer; or nonmonetary, meaning donated goods or services. The “fair market value” of donated goods or services is the value an individual or entity would pay on the open market to obtain such goods. (Section 82025.5) Thus, when providing something of value to a committee, the contributor must determine the “fair market value” for reporting purposes.

Further, a contribution is “coordinated” with a committee where the contribution or expenditure is made in coordination or consultation with the receiving committee. (Regulation 18227.5.) The contribution of goods or services is referred to as in-kind or nonmonetary contributions. During the 90 days preceding an election, nonmonetary contributions aggregating to \$1,000 or more must be disclosed on a late contribution report within 24 hours by the committee making the contribution. (Sections 82036, 84203, and 84203.3) The contributor must also notify the recipient in writing of the value of the in-kind contribution within 24 hours. (Section 84203.3(a).) While a committee receiving a late in-kind contribution must report receipt within 48 hours. (Section 84203.3(b).)

You have indicated that the Reform California with Carl DeMaio – Ballot Measure Committee will be working with the primarily formed Californians for Voter ID committee to submit petition signatures in order to qualify the measure for the ballot. As this is coordinated activity, and your ballot measure committee will be providing something of value to the Californians for Voter ID committee, your committee will need to calculate the fair market value of these nonmonetary contributions. The fair market value, in this instance, can be determined by

reporting the total costs expended by your ballot measure committee to obtain the signatures. This may include (but not be limited to) the costs of petition preparation and printing, training for volunteers, payment to any signature gatherers, payment to committee staff overseeing the signature-gathering process, costs for validating signatures, shipping costs to deliver them, etc.³ These amounts should be reported as in-kind contributions to the Californians for Voter ID committee and disclosed on Schedules D and E of your ballot measure committee's Campaign Statements (Form 460). Additionally, depending upon the timing of the contributions, they may also be required to be disclosed on 10-day or 24-hour Late Contribution Reports (Form 497).

Independent Expenditures

In contrast to a contribution, an "independent expenditure" means an expenditure made by any person...in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure...but which is *not made to or at the behest of* the affected candidate or committee." (Section 82031.) "Made at the behest of" means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of. (Section 82041.3; Regulation 18225.7.) Independent expenditures aggregating to \$1,000 or more made within the 90 days prior to an election must be reported within 24 hours. (Sections 82036.5, 84204.)

Activity done solely by the Reform California with Carl DeMaio – Ballot Measure Committee in support of the prospective measure can be reported as independent expenditures. Please note that activity is only reported as independent where it is not done at the behest of or in coordination with the affected committee. (Regulation 18225.7.) For example, an advertisement in support of the measure, which is developed and paid for solely by your ballot measure committee, without input from the Californians for Voter ID committee, may be reported as an independent expenditure. Independent expenditures in support of the measure will be reported on Schedules D and E of your ballot measure committee's Campaign Statements (Form 460). And depending upon the timing, the expenditures may also need to be disclosed on 10-day or 24-hour Late Independent Expenditure Reports (Form 496).

Candidate Controlled Ballot Measure Committee

Turning to the issue of control, the Act prohibits a candidate from having more than one controlled committee for election to office. Section 85201(a) requires a candidate for elective office to establish one campaign bank account for that office, and all contributions received and expenditures made by the candidate must be processed through that account. (Section 85201(c) and (e).) The Commission has consistently interpreted these provisions to prevent a candidate from controlling any committee other than the candidate's committee for election to a specific office, except that a candidate may also control a ballot measure committee and committees for other previous or future elections. (*Stone* Advice Letter, I-21-099.)

³ You have not identified specific costs associated with the signature gathering. To the extent you have any further question regarding whether a specific cost should be attributed to the signature gathering, you should seek additional advice identifying the cost.

A candidate may control a ballot measure committee so long as the committee does not make contributions to support or oppose candidates, including the candidate controlling the ballot measure committee. (Regulation 18521.5.) Section 82016 describes two ways in which a committee may become a controlled committee. First, by a candidate exerting significant influence on the actions or decisions of the committee. Second, by acting jointly with a candidate or committee in connection with the making of expenditures.

The Commission has interpreted the definition of “controlled committee” broadly to include any significant participation in the actions of a committee by a candidate, the candidate’s agent, or representatives of any other committee the candidate controls. This can include acting as a voting member of an organization’s leadership team, a high level of involvement with decision-making, or discretion over the authorization of expenditures. On the other hand, where a candidate does not vote or make decisions about committee expenditures or solely advises on administrative matters or committee filing obligations, this activity does not rise to the level of “control.”

From the facts provided, you intend to maintain your separate candidate controlled ballot measure committee, while another proponent will control the committee primarily formed for the measure. You have stated that you will have no advisory or management role in how the Californians for Voter ID committee operates or expends its money. In this limited instance, providing petition signatures to the Californians for Voter ID committee to assist in the ministerial act of qualifying the measure for the ballot will not rise to the level of control. However, whether a candidate is exercising control over a committee’s activities and expenditures is a factual question determined on a case-by-case basis. Therefore, whether any other activity undertaken in coordination with the Californians for Voter ID committee would rise to the level of control would require separate analysis based on the totality of the facts and circumstances.

2. Disclosure of Top Contributors

The Act requires certain communications qualifying as “advertisements” under Section 84501 to include disclosures. One such disclosure is that of “top contributors,” defined as the three persons who have given the highest cumulative contributions of \$50,000 or more to the committee paying for the ad. (Section 84501(c)(1).) For specified advertisements, Section 84503(a) provides that the advertisement:

...shall include the words “Ad Committee’s Top Funders” unless only one contributor qualifies as a top contributor, in which case the advertisement shall include the words “Ad Committee’s Top Funder.” These words shall be followed by the names of the top contributors to the committee paying for the advertisement. If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed pursuant to this section. *If there are no contributors that qualify as top contributors, this disclosure is not required.* (emphasis added)

Thus, where no contributors meet the definition of a “top contributor” for disclosure purposes, the “Top Funders” disclosure of Section 84503 is not required.

You have indicated that your ballot measure committee, Reform California, has a self-imposed rule of not accepting more than \$48,999 during a calendar year from any individual donor

or source. In this way, no contributor would reach the \$50,000 threshold during a calendar year. The definition of “top contributor,” however, specifies “cumulative contributions of fifty thousand dollars (\$50,000) or more,” without restricting the timeframe to a calendar year. If a contributor then gave \$25,000 in two consecutive years, they would reach the \$50,000 threshold and may qualify as a top contributor.

In regard to the disclosure, the statute specifies that the top contributor disclosure is not required where no contributors have qualified. There is no affirmative duty in the statute or in regulation to include a phrase such as “no top contributors” where no contributors have qualified. Further, some of the disclosure provisions now state that “any text or image not required by [this] section shall not appear in the disclosure area” except as provided. (Sections 84504.1 and 84504.3.) Accordingly, where no contributor has reached the \$50,000 cumulative contribution threshold required to be listed as a top contributor, no indication of this lack of top contributors is necessary.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Dave Bainbridge
General Counsel

A handwritten signature in blue ink, appearing to read "EM Boyd", is positioned above the typed name of the signatory.

By: Erika M. Boyd
Senior Counsel, Legal Division

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