



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

June 26, 2018

Richard S. Colman
Editor and Publisher
The Icon
2354 Stanwell Drive
Concord, CA 94520

Re: Your Request for Advice
Our File No. I-18-114

Dear Mr. Colman:

This letter responds to your request for advice regarding the campaign finance provisions of the Political Reform Act (the "Act").¹ Because your inquiry is general in nature, we are treating it as one for informal assistance.²

FACTS AS PROVIDED BY THE REQUESTOR

You are the editor and publisher of The Icon, a print and online newspaper. The Icon features articles and editorials focused on Contra Costa County and is distributed "periodically." You note that the newspaper does not contribute to political campaigns.

As editor, you plan to include editorials endorsing candidates and ballot measures in future issues of The Icon. You would like to know whether publishing such editorials would trigger any campaign registration or reporting requirements for the newspaper.

ANALYSIS

The purposes of the Act include ensuring that political contributions and expenditures are accurately disclosed. (Section 81002(a).) To further this purpose, the Act requires that candidates and committees file campaign statements disclosing their contributions and expenditures.³

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 18110 through 18997 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).)

³ The Act defines a "committee" as "any person or combination of persons" who: "(a) Receives contributions totaling two thousand dollars (\$2,000) or more in a calendar year; (b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or (c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees." (Section 82013.)

“Contribution” is defined generally as a “payment made for political purposes for which a donor does not receive full and adequate consideration.” (Regulation 18215(a).) Exempt from this definition is:

“[A] payment made by... a regularly published newspaper, magazine, or other periodical of general circulation, including any Internet or electronic publication, that routinely carries news and commentary of general interest, for the cost of covering or carrying a news story, commentary, or editorial.”

(*Id.* at (c)(8).)

The Act defines “expenditure” generally as a payment made for political purposes. Exempt from this definition are payments related to a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or candidates, or the qualification, passage, or defeat of a clearly identified measure or measures, made by:

“(A) ... [A] regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest, for the cost of covering or carrying a news story, commentary, or editorial.”

(Section 82025(c)(4)(A).)

Therefore, based upon the fact provided, payments made by the Icon for the costs of covering or carrying the editorials meet the above exemptions and it will not incur any campaign registration or reporting requirements.

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

Sincerely,

Brian G. Lau
Acting General Counsel



Adam E. Silver

By: Counsel, Legal Division

AES:jgl