

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

§ 18420. Reporting Campaign Contributions and Expenditures by State or Local Government Agencies.

(a) Any candidate or committee that receives contributions from a state or local government agency must report receipt of those contributions.

(b) The payment by a state or local government agency of the salary or expenses of its employees or agents is an expenditure or contribution only if the salary or expenses are for campaign activities and meet the requirements of Regulation 18423. For purposes of this subdivision, “campaign activities” include, but are not limited to, the following:

- (1) Arranging or coordinating a campaign-related event;
- (2) Acting in the capacity of the campaign manager or coordinator;
- (3) Soliciting, receiving or acknowledging campaign contributions or arranging for the raising of contributions;
- (4) Developing, writing or distributing campaign literature or making arrangements for campaign literature;
- (5) Arranging for the development, production or distribution of campaign literature;
- (6) Preparing television, radio or newspaper campaign advertisements;
- (7) Arranging for the development, production, publishing or broadcast of campaign advertisements;
- (8) Establishing liaison with or coordinating activities of campaign volunteers;
- (9) Preparing campaign budgets;
- (10) Preparing campaign statements; and

(11) Participating in partisan get out the vote drives.

Nothing in this subdivision requires the reporting of an employee's campaign activities if such activities are performed on vacation time or other than during publicly paid working hours.

(c) Notwithstanding subdivision (b), the payment of salary or expenses by a state or local government agency to an elected official must not be an expenditure or contribution.

(d) If a state or local government agency makes expenditures or contributions, as those terms are defined in Sections 82015 and 82025 and Regulation 18215, the state or local government agency must file campaign statements required by Chapter 4 and any other relevant provisions of the Act if the agency qualifies as a committee under Section 82013.

(e) The individual authorizing or directing the making of expenditures or contributions which qualify an agency as a committee is the treasurer unless another individual is designated.

COMMENT: This regulation establishes the requirement for a committee to report receipt of contributions from state or local government agencies. If a state or local government agency has enough campaign activity to qualify as a committee, the state or local government agency itself will be required to file campaign statements.

Nothing in this regulation should be read as condoning or authorizing campaign-related activities by a state or local government agency. Under many circumstances, such activities may be illegal. See Penal Code section 424; Government Code section 54964; *Stanson v. Mott*, 17 Cal. 3d 206 (1976); *People v. Sperl*, 54 Cal. App. 3d 640 (1976); and *People v. Battin*, 77 Cal. App. 3d 635 (1978).

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84200, et seq., Government Code.

HISTORY

1. New section filed 8-30-79; effective thirtieth day thereafter (Register 79, No. 35).
2. Amendment of section heading filed 2-17-82; effective thirtieth day thereafter (Register 82, No. 8).
3. Editorial correction of Reference cite (Register 95, No. 17).
4. Editorial correction of Comment (Register 95, No. 44).
5. Change without regulatory effect amending subsections (b) and (b)(11)-(e) filed 10-6-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 41).
6. Amendment of subsections (a), (b), and (b)(11)-(e) 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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