

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

**§ 18539.2. Reporting Payments Pursuant to Government Code Section 85310.**

(a) Reports filed under Government Code section 85310 are not required to be filed on paper. A report filed online or electronically pursuant to this section must contain the following information:

(1) The name and address of the person making a payment or a promise of payment totaling \$50,000 or more for a communication described in Government Code section 85310, subdivision (a);

(2) If the person making a payment or a promise of payment is an individual, the person's occupation and employer;

(3) The amount(s) of the payment(s) or promise of payment;

(4) If the person making a payment or a promise of payment is a committee under Government Code section 82013, subdivision (a), the identification number issued to the committee by the Secretary of State;

(5) The date(s) of the payment(s) or promise of payment;

(6) The name(s) of and office(s) sought or held by the candidate(s) identified in the communication;

(7) A description of the method of communication for which the payment of \$50,000 or more was made, such as television or radio broadcasts, print advertisements, or literature and mailings; and

(8) Identification of amended information.

(b) The Secretary of State will provide a mechanism for the filer to acknowledge the execution of a written declaration verifying the online or electronically filed report in accordance with subdivision (e) of this regulation.

(c) If the person making a payment or a promise of payment has received a payment or promise of payment totaling \$5,000 or more from any other person(s) for the purpose of making the communication, the report must also contain the following information:

(1) The name and address of the person from whom a payment or promise of payment was received;

(2) If the person making a payment or a promise of payment is an individual, the person's occupation and employer;

(3) The date(s) of the payment(s) or a promise of payment;

(4) The amount(s) of the payment(s) or promise of payment; and

(5) If the person making a payment or a promise of payment is a committee under Government Code section 82013, subdivision (a), the identification number issued to the committee by the Secretary of State.

(d) To meet the requirements for verification under this title, a report required to be filed under Government Code section 85310 must contain or be verified by a written electronic filing declaration signed and verified in accordance with Government Code section 81004.

(e) The original declaration must:

(1) Include the statement, "I have used all reasonable diligence in preparing this report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.";

(2) Be signed, dated and verified on the same date the report is transmitted to the Secretary of State; and

(3) Be retained in the filer's records for five years following the date that the campaign report to which it relates is filed. The declaration must be furnished to an enforcement or auditing agency upon request.

(f) An electronically transmitted report will be considered complete and filed when the conditions in subdivision (e) of this regulation are met.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 81004, 83112 and 85310, Government Code.

### **HISTORY**

1. New section filed 6-25-2001 as an emergency; operative 6-25-2001. A Certificate of Compliance must be transmitted to OAL by 10-23-2001 or emergency language will be repealed by operation of law on the following day. 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 2001, No. 26).

2. Certificate of Compliance as to 6-25-2001 order transmitted to OAL 10-17-2001 and filed 11-16-2001 (Register 2001, No. 46).

3. New subsection (a)(7), subsection renumbering and amendment of newly designated subsection (a)(8) filed 10-9-2002; operative 10-9-2002. 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 2002, No. 41).

4. Amendment of subsections (a)(2), (b) and (c)(2) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). 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 2021, No. 20).