

State Law Resource

California Campaign Finance
and Ballot Measure Guide

加州 法律 资源

加州竞选财务
和选票提案指南



BOLDERADVOCACY

A program of Alliance for Justice

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Alliance for Justice is a national association of over 120 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society. Since 1979, AFJ has been the leader in advocating for a fair and independent justice system, preserving access to the courts, and empowering others to stand up and fight for their causes. The two pillars of Alliance for Justice are our Justice Program, focusing on ensuring our nation's courts protect our critical constitutional rights and legal protections, and our Bolder Advocacy Program, focusing on building advocacy capacity among nonprofits and the foundations that fund them.

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Alliance for Justice (AFJ) 是由120多个组织所组成的全国性协会组织，代表着致力于进步价值观和创建公平、公正和自由的社会各种团体。自1979年以来，AFJ一直是倡导建立公正、独立的司法系统，保留诉诸司法并鼓励民众站起来为自己的权益而奋斗的领导者。AFJ的两大支柱是我们的正义计划（专注于确保司法体系保护我们的重要宪法权利和提供法律保护）和Bolder Advocacy计划（专注于建立非营利组织及其资助基金会的倡导能力）

State Law Resources

California Campaign Finance and Ballot Measure Guide

This guide summarizes the laws and regulations governing campaign finance in California. In California, "campaign finance" includes both ballot measures and candidates at both the local and state level. This guide is not intended to provide legal advice or to serve as a substitute for legal advice. For free legal and technical advice on compliance with California campaign finance rules, contact the California Fair Political Practices Commission (FPPC). The FPPC provides free informal advice via telephone and email, which does not provide legal immunity; requesters may also request a free formal advice letter, which provides limited immunity from prosecution by the FPPC Enforcement Division. For more information, please visit fppc.ca.gov.

In some jurisdictions (such as San Francisco and Los Angeles), city and/or county regulations may also apply to campaign activities, including local contribution limits. Please check with local authorities or an attorney before starting any campaign activity in your city or county.

Starting in 2017, the California State Legislature passed the California DISCLOSE Act and related bills, like the Social Media DISCLOSE Act. These bills made significant changes to California's campaign advertising disclaimer rules and disclosure rules. These changes, as well as other recent amendments to state law, are reflected in this guide.

Overview

California's Political Reform Act of 1974 (the PRA) regulates all ballot measure and candidate activity at the state and local levels in California. The PRA sets contribution limits for all state and local candidates. However, as of the date of this publication, it does not currently limit contributions to statewide ballot measures, local ballot measures, or local candidates. However, effective January 1, 2021, state law will include a default limit on contributions to local candidates, where the city or county has not adopted its own limits.

The PRA also requires people and groups who raise or spend over a certain amount of money on state and/or local elections to register and periodically report their activities to elections officials. Furthermore, certain communications about ballot measures and candidates at both the state and local level must contain disclaimers, so that voters know who paid for advertisements seeking to influence their votes.

A nonpartisan state agency called the Fair Political Practices Commission (FPPC) enforces the PRA and issues regulations, advisory opinions, and campaign manuals that explain and clarify the law as it applies to specific activities.

加州法律资源

加州竞选财务和选票提案指南

本指南总结了涉及加利福尼亚州竞选活动财务的法律和法规。在加利福尼亚州，“竞选财务”既包括选票提案，也包括地方和州一级的候选人。本指南并不提供法律建议或作为寻求法律意见的替代。有关遵守加州竞选财务规则的免费法律和技术建议，请联系加州公平政治实践委员会（FPPC）。FPPC通过电话和电子邮件提供免费的非正式建议，但这些建议不具备法律豁免权；请求者还可以要求提供免费的正式建议信，该正式建议获得有限的法律豁免权，以免受FPPC执法部门的起诉。相关更多信息，请访问 fppc.ca.gov。

在某些辖区（例如旧金山和洛杉矶），城市和/或县法规也可能适用于竞选活动，包括当地捐款的限额。在您所在的城市或县开始任何竞选活动之前，请先与当地政府或律师联系。

从2017年开始，加利福尼亚州立法机构通过了《加利福尼亚州披露法案》和相关议案，例如《社交媒体披露法》。这些法案对加利福尼亚州的竞选广告免责声明规则和披露规则进行了重大更改。这些更改以及最近州法的其他修订也都收录于本指南。

概览

实施于1974年的加利福尼亚政治改革法案（PRA）旨在规范加州州级和地方各级的所有选票提案和候选人活动。PRA对所有州级和地方的候选人设置了捐款额度上限。但是，从发布之日起到目前，它不限制对全州范围的选票提案捐款，地方选票提案捐款或地方候选人的捐款。然而，于2021年1月1日开始，州法将认定对本地候选人的捐款限额为默认限额，如果所在市或县未采用自己的限额。

PRA还规定在州和/或地方选举中筹集或花费超过一定金额的人员和团体进行注册，并定期向选举官员报告其活动。此外，在州和地方两级有关选票提案和候选人的特定通讯中必须包含免责声明，以便选民知道是谁在为试图影响其手中选票而打的广告。

公平政治实践委员会（FPPC），是一个无党派的州级机构，负责执行PRA并发布法规，咨询意见和竞选手册，以解释和阐明适用于特定活动的法律。

Key Concepts

BALLOT MEASURE

The PRA defines a **measure** as a proposition that is submitted, or intended to be submitted, to a popular vote at a state or local election. There are four main types of ballot measures:

1. **Ballot initiatives** allow voters to propose and directly enact laws or amend the California State Constitution.
2. **Bond measures** let voters decide whether a governmental entity can borrow money to finance government programs.
3. **Referenda** permit voters to approve or vote to repeal a law enacted by the legislature.
4. **Recalls** let voters decide whether to remove a public official from office before the end of the official's term. Note that federal tax law prohibits 501(c)(3)s from influencing the outcome of a candidate election, so 501(c)(3)s may not support or oppose a recall measure.

HOW/WHEN DOES SOMETHING QUALIFY AS A MEASURE?

How and when a measure qualifies for the ballot depends on the type of measure and the jurisdiction. Generally speaking, a proposition becomes a measure when proponents begin to circulate signature petitions to qualify the proposal for the ballot, or when lawmakers¹ vote to place a measure on the ballot.

For more information about how to qualify a measure for the ballot, please consult with your local election officials (for local measures) or the California Secretary of State's office (for statewide ballot measures). Groups that support or oppose ballot measures may need to track and report their activity, whether the proposition qualifies for the ballot or not.

For more information, please see Bolder Advocacy's fact sheet: [Initiating Policy Change: Circulating Ballot Initiatives in California](#).

WHO IS A "CANDIDATE"?

Unlike IRS rules, which broadly define "**candidate**" to include even prospective candidates, a candidate under the PRA is more narrowly defined as:

An individual who is listed on the ballot, or who has qualified via write-in votes, for election to (or nomination for) any elective office;

1. An individual who receives or spends money in order to be elected (or nominated) for public office, regardless of whether he/she has officially declared him/herself a candidate at the time, and regardless of whether it is known what office he/she is running for; or
2. An elected official *already in office* (referred to by the PRA as an **officeholder**) who is the subject of a **recall election**.

Please note that for purposes of the PRA, a candidate remains a candidate until all their open

¹ "Lawmakers," for these purposes, includes members of state legislatures, as well as city councils and county boards of supervisors.

重要概念

选票提案

PRA将提案定义为在州或地方选举中已提交或打算提交给公众投票的议题。选票提案主要有四种：

1. 选票倡议使选民可以提出并直接通过法律或修改加利福尼亚州州宪法。
2. 发行债券提案使选民可以决定某政府单位是否可以举债以资助政府项目运行。
3. 全民公决允许选民批准或投票废除立法机关制定的某项法律。
4. 撤回提案让选民决定是否将某公职人员在其任期结束前免职。请注意，联邦税法禁止501(c)(3)（此编号特指依据本IRS条法规所设立的组织）影响候选人的选举结果，因此501(c)(3)不可以支持或反对撤回提案。

如何/何时 取得提案资格？

一项提案何时以及如何获得投票资格取决于提案的类型和其所在的地区管辖范围。一般而言，当支持者开始散发签名请愿以使议题具有投票资格时，或者当立法者¹投票将一项提案纳入选票时，议题便成为了提案。

有关如何获得选票提案资格的更多信息，请您咨询所在地的选举官员（关于地方提案）或加利福尼亚州州务卿办公室（关于全州选票提案）。支持或反对选票提案的团体可能需要跟踪并报告其活动，无论该议题是否符合投票条件。

有关更多信息，请参阅Bolder Advocacy的概要介绍：[发起政策变更：在加州开展选票提案](#)。

谁是“候选人”？

与IRS规则（将“候选人”广泛定义甚至包括潜在的候选人）所不同，PRA规则将候选人更为狭义地定义为：列入选票或通过书面投票有资格当选（或提名）的任何通过选举入职而产生的个人；

1. 接收或花费资金以当选（或提名）担任公职的个人，无论他/她当时是否正式宣布自己为候选人，无论公众是否知道他/她正在竞选担任哪个职务；或者
2. 已经当选的官员（PRA称其为公务在职人员），是罢免选举的对象。

请注意，就PRA而言，在所有其运转的选举办公室委员会终止之前，候选人一直被认为还是候选人。

¹ 为上述目的，“立法者”包括州立法机关的成员以及市议会和县监事会

committees for elective office have been terminated. This means that someone who is not a current officeholder but who maintains a committee for future elective office is a “candidate” for these purposes, even if he or she has not pulled papers to run for that office.

CONTRIBUTIONS AND EXPENDITURES

The PRA aims to promote transparency in campaign fundraising and spending. For this reason, the PRA requires all **contributions** and **expenditures** to be fully and truthfully disclosed.

A contribution is a donation or payment made for political purposes (such as to support or oppose a ballot measure or a candidate) when the donor does not receive something of equal value in return. A contribution can be either monetary (like a check) or in-kind (goods, services, or staff time). Examples of contributions include:

1. A check made out to a ballot measure campaign;
2. A grant earmarked for ballot measure advocacy;
3. Wages paid to nonprofit staff if they work with a ballot measure committee a significant portion of their time; or
4. Pizza and office space donated to a campaign.

See [Registration and Reporting Mechanics](#) for more about reporting contributions.

In contrast, an expenditure is when a person or organization makes a payment for political purposes and receives something of equal value in return, such as:

1. Stipends for ballot measure signature gatherers;
2. A newspaper advertisement endorsing a ballot measure;
3. Payment to an outside campaign consultant; or
4. The cost of pizza purchased by a campaign for its own volunteers

See [Registration and Reporting Mechanics](#) for more about reporting expenditures.

INDEPENDENT EXPENDITURES

An **independent expenditure** (often abbreviated to “IE”) occurs when a person or group spends money on a communication that **expressly advocates** the passage or defeat of a ballot measure, or the election or defeat of a candidate, and the communication is *not coordinated* with the ballot measure campaign or the candidate. Put differently, an IE occurs when a person or group acting on their own spends money on ads for or against a measure or candidate.

Please see [Key Concepts](#) for more about becoming an independent expenditure committee and reporting independent expenditures.

这意味着，不是在职者，而是仍为将来获选上任设立委员会的人，就这些目的而言是便“候选人”，即使他/她还没有投入竞选该办公室的拉票环节。

捐款和支出

PRA有意提高竞选筹款和支出的透明度。因此，PRA要求所有捐款和支出都必须如实披露。

捐款是指在捐赠者没有收到等值的回报前提下，出于政治目的（例如支持或反对选票提案或候选人）的捐赠或付款。捐款可以是金钱（如支票）或实物（商品，服务或劳务时间）。以下包括了几个捐款示例：

1. 为选票提案活动提供的支票；
2. 专门用于选票提案倡议的赠款；
3. 如果非营利组织工作人员在相当大部分时间里与选票提案委员会一起工作，[并支付他们的工资](#)；或
4. 捐赠给竞选活动比萨（等食物）和办公室空间等。

有关报告捐款的更多信息，请参见[注册和报告机制章节](#)。

相比之下，支出是指个人或组织出于政治目的而付款，并获得相等价值的回报，例如：

1. 选票提案签名收集者的津贴；
2. 为背书某选票提案而刊登报纸广告；
3. 向外部竞选顾问的付款；
4. 给自己的竞选志愿者订披萨饼的开销。

有关报告支出的更多信息，请参见[注册和报告机制章节](#)。

独立支出

当某人或某团体在明确主张通过或否决选票提案、选举、或反对某候选人的通讯上花费金钱时，并且该通讯与选票提案活动或候选人没有协调时，就会产生独立支出（通常以其英文首字母缩写，简称为“IE”）。换句话说，当某人或某团体独自行动，打广告花钱支持或反对某选票提案或候选人时，就会产生IE。

有关成为独立支出委员会和报告独立支出的更多信息，请参见[重要概念](#)章节。

COMMITTEES

Depending on your nonprofit's activities, your activities could qualify your nonprofit as a "committee" under California law. That means your nonprofit would have filing and reporting obligations. If you engage in certain activities, you could become a committee and not even know it.

The PRA's campaign finance rules apply only to **committees**. Both ballot measure and candidate committees must register and file periodic reports with state and/or local election officials.

Generally, a committee is a person, group of people, or organization that raises or spends more than a certain amount of money to support or oppose one or more ballot measures or candidates. The term "committee" may apply to either:

1. A *separate entity* formed for the purpose of supporting/opposing ballot measures or candidates; or
2. A *status* that applies to a person/group/organization, based on their campaign activities.

Generally, a person, group, or organization can become ("qualify as") a committee in three main ways:

1. **Recipient Committee:** Receiving contributions of \$2,000 or more in a calendar year for supporting or opposing ballot measures or candidates. (See [Contribution Limits and Source Restrictions](#) for more about earmarked contributions and Section II for more about who qualifies as a recipient committee);
2. **Independent Expenditure Committee:** Making independent expenditures of \$1,000 or more per calendar year on candidates or ballot measures. If a group spends only \$999 in a calendar year independently, expressly urging the passage or defeat of a measure or the election or defeat of a candidate, it does not qualify as an independent expenditure committee. (See [Key Concepts](#) for more about independent expenditure committees);
3. **Major Donor Committee:** Making contributions of \$10,000 or more per calendar year to a ballot measure, candidate, or other type of committee, like a political party. (Major donors do not receive contributions from others).

Multipurpose organizations (MPOs), including donor-funded nonprofit organizations, may also qualify as a committee based on additional thresholds discussed below.

Individuals and groups who do not receive or spend past these thresholds will not qualify as a committee and do not have registration and reporting obligations under the PRA.

As discussed in later sections, there are several different subtypes of recipient committees, depending on the kind of campaign activities in which you engage.

委员会

根据您的公益组织活动，依据加州法律，该活动可能会使得您的公益组织被视为“委员会”。这意味着您的非营利组织将承担与之相关的备案和报告的义务。如果您从事了某些活动，您可能甚至没有意识将会导致您的公益组织被定义为委员会。

PRA的竞选财务规则仅适用于委员会。选票提案和候选人委员会须向州和/或地方选举官注册并定期提交报告。

通常，委员会是指某个人，团队或组织，他/他们筹集或花费超过特定金额的资金来支持或反对一个或多个选票提案或候选人。“委员会”一词可能适用于以下任一情况：

1. 为支持或反对选票提案或候选人而成立的独立实体；或
2. 根据人员/团体/组织的竞选活动而适用的状态。

通常，某个人，团队或组织可以成为（即“具备资格”）委员会的三个主要途径：

1. 接收委员会：在一个日历年中收到超过2,000美元（含）的捐款，用于支持或反对选票提案或候选人。（有关专用捐款的更多信息，请参见[“捐款额度和来源限制”](#)；有关谁有资格成为接收委员会的更多信息，请参见第二节）；
2. 独立支出委员会：每个日历年在候选人或选票提案上的独立支出超过1,000美元（含）。如果某组织在一个日历年中仅花费999美元，明确敦促通过或否决某个提案，选举或反对某一候选人，则该组织不具备独立开支委员会的资格。（有关独立支出委员会的更多信息，请参见[重要概念](#)）；
3. 主要捐赠者委员会：每个日历年向选票提案，候选人或其他类型的委员会（例如政党）捐款超过10,000美元（含）。（主要捐赠者没有收到其他人的捐款）。

包括捐赠者资助的非营利组织在内的多目的组织（MPO）也可根据以下讨论的附加条件而活动成为委员会的资格。

没有达到或超过上述最低资金额度的个人和团体将不具备委员会资格，也没有向PRA注册和报告的义务。

如下文各章节所述，接收委员会有几种不同的子类型，具体取决于您所从事的活动类型。

MULTIPURPOSE ORGANIZATIONS (MPOs)

Nonprofit organizations, such as 501(c)(3)s, 501(c)(4)s, or labor unions typically receive donations or payments for a variety of purposes—membership dues, donations to help provide services, grants to support an organization’s general advocacy around a cause, etc. Often the organizations’ supporters don’t offer these payments specifically with the understanding that organizations will use them to support or oppose a ballot measure. Still, organizations may sometimes decide to use those funds to support or oppose ballot measures. With the goal of showing who supports the organizations that engage in substantial campaign activity, the PRA expanded to include special rules about when and how MPOs qualify as committees.

MPOs may qualify as one of the three types of committees outlined in the Committees Section above. In addition, an MPO may qualify as a recipient committee if the organization spends more than \$50,000 in any 12 month period (i.e. rolling 12 months), or more than \$100,000 in four calendar years, on contributions and expenditures for the purpose of influencing elections in California.

Once an MPO reaches a recipient committee threshold, the organization must register and file campaign reports disclosing all their expenditures to influence California elections and disclosing their donors. How donors are disclosed depends on how the MPO conducts its fundraising. If funds are raised for the purpose of influencing California ballot measure votes or candidate elections, those donors are disclosed first and itemized at the usual \$100 threshold. If the MPO does *not* raise or receive funds to influence California ballot measure votes or candidate elections, and it only triggers recipient committee status because it spends above the thresholds discussed above, then its top donors are identified using a last in, first out (LIFO) accounting method. Donors who give \$1,000 or more must be disclosed, even if those donors didn’t give funds for the purpose of influencing California ballot measure votes or candidate elections. There are special rules about skipping donors who earmark their funds for other non-political purposes, donors who restrict use of their funds from being used for political purposes, and certain types of grants from private foundations (which cannot directly participate in ballot measure or candidate elections).

An MPO that will qualify as a recipient committee is encouraged to use the materials linked below from the FPPC, the free advice available from the FPPC Technical Assistance Division, or outside counsel in order to comply with these complex rules.

An MPO that exceeds one or both of these thresholds may nevertheless continue to file as a major donor and is not required to register as a recipient committee and disclose donors if the organization uses non-donor funds for all of its political activity in California. Nondonor funds are investment income, including capital gains, or income earned from providing goods, services, or facilities, whether related or unrelated to the multipurpose organization’s program, sale of assets, or other receipts that are not donations.

Federal and out of state committees are special types of MPOs which trigger recipient committee status when they spend \$2,000 or more in a calendar year to influence California elections. These entities have special reduced registration and reporting rules which apply. See the FPPC materials linked below for more guidance on registration and disclosure for this type of MPO.

Generally, an MPO will qualify as a recipient committee in one of the following ways:

1. Using non-donor funds, spend more than \$50,000 in 12 months or \$100,000 in four years for supporting/opposing ballot measures or candidates. This is known as a **Calendar Year Filer**;
2. Accept \$2,000 or more in donations that are either earmarked for supporting/opposing ballot measures or candidates, or subject to an agreement or understanding that the

多目的组织 (MPOs)

非营利组织，例如501(c)(3)，501(c)(4)，或工会通常会接收捐赠或用于多目的的付款—如会费，帮助提供服务的捐赠，支持某组织围绕公益事业进行总体倡导的赠款等。这些组织的支持者通常不是在明确知晓组织会如何使用它们的情况下，例如，用于支持或反对某选票提案，就进行了捐赠。尽管如此，组织有时仍可能决定使用这些资金来支持或反对某选票提案。为了显示谁支持组织参与大量的竞选活动，PRA扩充解释了以包括有关MPO何时以及如何符合委员会资格的特殊规则。

MPO可能有资格成为上述委员会概述部分中的三种类型委员会之一。此外，如果该组织在任何12个月内（即连续12个月）花费超过50,000美元，或者在四个日历年中花费超过100,000美元，以影响加利福尼亚的选举，则MPO可能有资格成为接收委员会。

一旦MPO达到接收委员会的资金额度门槛，该组织必须注册并提交竞选报告，披露其所有用于影响加利福尼亚州选举的特定支出，以及披露其捐赠者。如何披露捐赠者则取决于MPO是如何进行筹款的。如果募集资金是为了影响加利福尼亚州的选票提案或候选人选举，则会首先披露这些捐赠者，并通常按100美元起步值逐项列出。如果MPO没有筹集或接收资金以影响加利福尼亚州的选票提案表决或候选人选举，并且它只因为接收金额而成为接收者委员会的身份，则使用后进先出（LIFO）会计方法来确定其主要捐赠者。捐赠额超过1,000美元（含）的捐赠者则必须披露，即使这些捐赠者不是出于影响加利福尼亚州的选票提案或候选人选举的目的而捐赠的。还有一些特殊的规则，包括跳过捐赠者将其资金专用于其他非政治目的，捐赠者限制将其资金用于政治目的，以及私人基金会提供的某些类型的赠款（这些捐赠不能直接参与选票提案或候选人的选举）。

我们鼓励有资格成为接收委员会的MPO使用以下FPPC提供材料（下文有链接），FPPC技术援助部提供的免费建议或外部咨询，以遵循这些复杂规则的合规要求。

超过这两个基本要求之一或两者的MPO仍可以继续作为主要捐赠者提出申请，并且如果该组织在加利福尼亚州的所有政治活动中所使用的都并非捐赠者的捐款，则无需注册为接收委员会，不必披露其捐赠者。非捐赠者资金则归为投资收入，包括资本收益或通过提供商品，服务或设施的所得收入；无论这些与多目的组织本身的计划，资产出售或其他非捐赠收入是否相关。

联邦委员会和外州委员会是特殊类型的MPO，当它们在一个日历年中花费超过2,000美元（含）来影响加利福尼亚州的选举时，会触发其接收委员会的身份。这些实体适用特殊的简化注册和报告规则。有关此类MPO的注册和披露的更多指导，请参阅下文所附链接的FPPC材料。

通常，MPO将通过以下方式中的一种而具备接收委员会的资格：

1. 使用非捐助者的资金，在12个月内花费超过50,000美元，或在4年内花费超过100,000美元，以支持或反对选票提案或候选人。这被称为“日历年备案”；
2. 接受超过2,000美元（含）的捐款，这些捐款或专门用于支持/反对选票提案或候选人，或经过协议及备注注明该金额将用于此目的；或

money will be used for this purpose; or

3. Use \$2,000 or more in existing funds, after reaching an agreement with the donor(s) that these funds can be used for supporting/opposing ballot measures or candidates.

Note: A business entity or individual can never be a Multipurpose Organization because they are explicitly excluded from the definition of MPO.

For more information on the definitions and disclosure rules for MPOs, please see the following materials produced by the FPPC:

[FPPC Fact Sheet, “Multipurpose Organizations Reporting Political Spending”](#)

[FPPC Ballot Measure Manual, Chapter 15 \(Multipurpose Organizations\)](#)

MORE ABOUT INDEPENDENT EXPENDITURE COMMITTEES

Independent Expenditures

An **independent expenditure** is an expenditure for a communication that:

1. **Expressly advocates** the election or defeat of a **clearly identified** candidate or the qualification, passage, or defeat of a clearly identified ballot measure or candidate; **and**
2. Is **not coordinated** with or “made at the behest of” the ballot measure committee or a candidate.

A communication is considered to “clearly identify” a candidate or measure if it features the candidate’s name, photo, or status as a candidate, or uses the measure’s name, popular title, or official name.

A communication contains “express advocacy” under two circumstances, depending on the timing of the communication. Outside the **60-day window** before an election, a communication will be considered express advocacy only if it contains the so-called **magic words**, such as “vote for,” “elect,” “cast your ballot for/against,” “defeat,” “pass,” etc. Within the 60-day window, however, a broader range of communications are considered express advocacy. The “magic words” still count within this window, but so do communications that “taken as a whole, **unambiguously urge** a particular result in an election.” For example, “Juan Mehta is the one for California” or “Proposition Y is great for the Central Valley.” Whether a particular communication unambiguously urges a particular result depends on the specific facts of the communication, but under FPPC rules, a message will be considered to unambiguously urge if it is “susceptible [to] no reasonable interpretation other than as an appeal to vote for or against a specific candidate or ballot measure.”

Independent expenditure committees have unique reporting and disclosure requirements, and they must also comply with FPPC **advertisement disclosure rules**. For more information, please see:

[FPPC Independent Expenditure Committee Manual](#)

Coordinated Communications (In-Kind Contributions)

When a person or group coordinates their communication with a ballot measure or candidate committee, any payments made for those communications are reportable as in-kind contributions to the ballot measure or candidate committee. When a committee makes payments for a communication that is a contribution, both the committee and the ballot measure or candidate

3. 使用现有资金中超过2,000美元（含），在与捐助者达成协议将这些资金可用于支持/反对选票提案或候选人之后。

注意：商业实体或个人永远不能是多目的组织，因为它们被明确排除在MPO的定义之外

有关MPO定义和披露规则的更多信息，请参见以下由FPPC提供的材料内容：

[FPPC情况说明书，“报告政治支出的多目的组织”](#)

[FPPC投票程序手册，第15章（多目的组织）](#)

更多关于独立支出委员会

独立支出

独立支出是指以下通讯的支出：

1. 明确主张选举或反对已明确确定的候选人或明确确定、通过或反对的选票提案或候选人的资格；和
2. 并未协调或没有以选票提案委员会或该候选人名义“做出的命令”。

只有当候选人将本人的姓名，照片或身份等明示为候选人，或者使用了提案的名称，通俗标题或正式名称，一次通讯则被视为“清楚地识别”了候选人或提案。

根据通讯所发生的时间段，在两种情况下，通讯包含“明确倡导”。在距选举60天之前，仅当通讯中包含所谓的“神奇字眼”（译者加注，这里特指政治选举术语）例如“投票”，“当选”，“投票赞成/反对”，“反对”“通过”等时，该通讯才被视为表达主张。但是，在60天的时间范围内，更广泛的通讯被认为是明确的倡导。发生在“这段时间内的“神奇字眼”仍算，但“整体上明确要求敦促选举产生特定结果”的通讯也是如此。例如，“Juan Mehta是加利福尼亚州的必选之人”或“Y议题对中央谷地非常有益”等。特定通讯是否明确要求特定结果取决于通信的具体事实，但是根据FPPC规则，如果“除对投票产生吸引力或针对特定的候选人或选票提案以外，对其他信息不作合理解释，则该消息将被视为明确敦促。”

独立支出委员会具有独特的报告和披露要求，并且还必须遵守FPPC广告披露规则。有关更多信息，请参见：

[FPPC独立支出委员会手册](#)

协调性通讯（非现金/实物捐助）

当个人或团体与选票提案或候选人委员会协调其通讯时，为这些通讯通讯的任何费用均应报告为对选票提案或候选人委员会的实物捐助。当委员会为某通讯作出捐献付款时，该委员会和接收到该通讯利益的选票提案或候选人委员会都必须在竞选声明上做出报告。

committee receiving the benefit of the communication must report the contribution on a campaign statement.

For purposes of the PRA, **coordination** (or “**made at the behest of**”) means “made at the request, suggestion, or direction of” a ballot measure or candidate committee that benefits from the expenditure, or “in cooperation or consultation with” the ballot measure or candidate committee. A payment is also considered coordinated if the candidate or committee (or their agents) participates in, or agrees to, decisions about the content, timing, intended audience, distribution, or frequency of the communication. If the organization is coordinating with a ballot measure or candidate committee, it is not acting independently.

Furthermore, there is a rebuttable presumption² that an expenditure is coordinated if it:

1. Is based on information about the benefitting ballot measure/candidate **committee’s needs** (e.g. shared polling data or messaging strategy) or
2. Is made by or through an **agent of the ballot measure or candidate committee** that benefits from the expenditure.

Working Together with the Main Ballot Measure Campaign or a Candidate

Instead of running or housing the main ballot measure campaign, some nonprofits choose to work side by side with the main campaign, offering monetary and in-kind support. Likewise, some organization choose to raise or spend funds to support/oppose candidates, even though they are not candidate-controlled committees. For example, a certain 501(c)(3) is not part of the steering committee for a ballot measure campaign. The 501(c)(3) wants to help pass the ballot measure. The ballot measure campaign gives 200 pro-ballot measure flyers to the 501(c)(3). The 501(c)(3) distributes the flyers in the community. The 501(c)(3) has coordinated with the ballot measure campaign.

If the person/group has *not qualified as a recipient committee*, it is possible that the supporting person/group could qualify as a **major donor committee**. A major donor committee is a person or group who makes contributions of \$10,000 per year to one or more candidate or ballot measure committees.

CAMPAIGN TREASURER

As soon as a person, business, or organization meets the threshold of a recipient committee, the PRA requires every committee to appoint a **treasurer**. A treasurer is responsible for ensuring that the committee’s campaign statements are accurate, timely, and truthful. Treasurers sign all campaign disclosure statements under penalty of perjury, and they are liable for the committee’s PRA violations related to reporting, limits, disclaimers, etc. (See [Enforcement and Penalties](#) for more information on enforcement of the PRA). Therefore, every treasurer should understand the basics of California campaign finance disclosure, and no one should accept the position of campaign treasurer as an honorary or symbolic role. In fact, it is a best practice to consult an experienced campaign treasurer, political reporting specialist, or political compliance attorney before undertaking any campaign activity.

For more information, please see the FPPC’s webpage, [Basic Recordkeeping Rules for Treasurers](#).

² A rebuttable presumption is an assumption that a government authority makes that is assumed to be true unless someone can prove otherwise.

出于PRA的主导意见，协调（或“根据某主体的要求”）是指选票提案或候选人委员会“从支出中获益的选票提案或候选人委员会的要求，建议或指示，或与某方合作或协商”。如果候选人或委员会（或其代理人）参与或同意有关通讯的内容，时间，预期的听众，分发或通讯频率的决定，则该付款也将被认为是协调。如果该组织正在与选票提案或候选人委员会进行协调，则它不是独立行为。

此外，有一个可以反驳的假设，即如果一项支出符合以下条件，则也是协调：

1. 基于有关获益的选票/候选人委员会需求的信息（例如共享的投票民调数据或消息传递策略）；
或
2. 由选票提案或候选人委员会的代理人决定或通过其而采用，从支出中受益。

参与选票提案或候选人竞选的主要活动

某些非营利组织没有运营或作为场地提供者参与选票提案竞选活动，而是选择与主要的竞选活动并肩支援，提供资金和实物支持。同样，某些组织选择筹集或花费资金来支持/反对候选人，即使他们不是候选人掌控的委员会。例如，某个 501(c)(3)不是选票提案指导委员会的一部分。而选票提案竞选活动向 501(c)(3)提供了 200 个赞成投票的传单。501(c)(3)在社区中分发传单。501(c)(3)已与选票提案竞选活动协调。

如果该个人/团体没有资格成为接收委员会，则支持者/团体可能有资格成为主要捐赠者委员会。主要捐赠者委员会是指每年向一个或多个候选人或选票提案委员会提供10,000美元捐款的个人或团体。

竞选财务主管

一旦个人，企业或组织达到接收委员会的最低要求，PRA规定每个委员会任命一名财务主管。该财务负责确保委员会的竞选声明是准确，及时和真实的。在会受到伪证罪处罚前提下，财务需要给所有竞选披露声明签字，并且她们也对所委员会的违规行为负责，如PRA所规定的行为包括举报，限制，免责声明等方面。（有关PRA的执行的更多信息，请参阅[执法和处罚](#)）。因此，每一位财务主管都应了解加利福尼亚竞选财务披露的基本知识，任何人都不应以荣誉或象征性角色为目的，而接受竞选财务主管的职位。实际上，在进行任何竞选活动之前，最好先咨询外部经验丰富的竞选财务主管，政治报告专家或政治合规律师等专业人士。

如果需要了解更多资讯信息，请参阅FPPC官方网站，[财务基础记录](#)

2 可以反驳的推定是一种假设，即除非有人可以另外证明，否则政府当局将视其假定为客观真实。

Activities Your Organization Can Engage in That Won't Trigger Disclosure

There are several election-related activities that do not trigger registration or reporting under California law:

MINIMAL PAID STAFF TIME

Each employee of an organization can spend up to 10% of their paid time in a calendar month (“on the clock”) working on campaign activities, without this time counting as a reportable contribution or expenditure. Note that the threshold is 10% per employee per month, not 10% of the organization’s combined staff time. This threshold includes all campaign activities during a calendar month; it is not a 10% threshold per campaign.

ENDORISING MEASURES OR CANDIDATES

Simply endorsing a ballot measure or candidate is not necessarily a reportable activity. For example, an organization may announce its endorsement of a measure at one of its regularly scheduled meetings, and such an oral announcement alone would not be considered a contribution to the ballot measure committee or an independent expenditure in support of it.

However, endorsements may be considered contributions or expenditures *when a payment is made in connection with the endorsement*. This usually happens when the endorsing organization spends money to publicize its endorsement. If, for instance, close to the election, a 501(c)(4) mails a special flyer to voters *at the request of a candidate*, announcing the (c)(4)’s endorsement of that candidate, the (c)(4) has made an in-kind contribution to the candidate. If the 501(c)(4) mails a special flyer announcing the endorsement without coordinating with the candidate, the (c)(4) has likely made an independent expenditure.

IN-OFFICE FUNDRAISER

Another PRA exception allows organizations to host a fundraiser for a campaign at the organization’s office, without reporting the fundraiser as a contribution or expenditure, provided that no more than \$500 is spent on the entire event, and all the money raised goes directly to the campaign. (The funds cannot go into the hosting organization’s general treasury.) If anyone buys refreshments to serve at the fundraiser, the cost of the refreshments gets counted toward the \$500 limit.

ISSUE ADVOCACY

The PRA regulates various types of political communications. If a communication merely advocates a particular stance on an issue, it is typically considered “issue advocacy.” It is not typically an activity to support or oppose ballot measures or candidates, except in limited circumstances. (See *Electioneering Communications in the [Communications](#) section below*.) However, as discussed below, when such a communication about an issue “expressly advocates” support of or opposition to a ballot measure or candidate, it is subject to regulation.

Such communications may qualify as lobbying for state disclosure law purposes and be reportable as lobbying activity not campaign activity. See [Shaping the Future: A Compliance Guide for](#)

可参与的不会触发披露要求的组织活动

在加州法律体系下，以下几项与选举相关的活动不会触发需要注册或报告的合规要求：

最低时薪员工的工时

组织的每个员工最多可以在一个日历月（即“带薪工时”）中花费其带薪时间的10%来从事竞选活动，而不需将此时间计为必须报告的捐款或支出。请注意，该最低标准是每位员工每月的10%，而不是某组织旗下全部员工总时间的10%。此最低标准包括一个日历月内的所有竞选活动；这不是每个竞选活动的10%。

对某提案或候选人的背书

仅仅背书选票提案或候选人不一定是必须报告的行为。例如，一个组织可以在其定期安排的会议中宣布对某项提案的认可，而仅这种口头宣布将不被视为对选票提案委员会的捐款或支持该提案的独立支出。

但是，在与背书相关的付款中，该背书可被视为捐款或支出。这通常在背书组织花钱通讯其背书时发生。例如，当临近选举时，501(c)(4)会邮寄应候选人的要求向选民提供的特别传单，宣布(c)(4)对该候选人的认可，(c)(4)对该候选人做出了实物捐赠。如果501(c)(4)在不与候选人协调的情况下邮寄了一个特别的传单，对外宣布其认可，则(c)(4)很可能已经做出了独立支出。

IN-OFFICE FUNDRAISER

办公场所筹款活动

PRA的另一项例外规定允许组织在组织本身的办公场所举办竞选的筹款活动，而无需将筹款活动报告为捐款或支出，但前提是整个活动的花费不超过500美元，且所有筹款都直接用于竞选。（而这些资金不能进入托管组织的一般金库。）如果有人购买茶点以在筹款活动中服务，则茶点费用将计入500美元的限额内。

议题倡导

PRA规定各种类型的政治通讯。如果通讯仅主张关于某一问题所采取特定立场，则通常被视为“议题倡导”。除少数情况外，这通常不是支持或反对选票提案或候选人的活动。（请参阅下文[通讯](#)中的“[选举通讯](#)”。）但是，如下所述，当此类问题的通讯“明确主张”支持或反对投票表决的措施或候选人时，则将受到监管。

依据相关加州披露法律的精神，相关法规可能将此类通讯视为进行游说，应将其报告为游说活动而非竞选活动。请参见共塑未来：[非营利影响加州公共政策合规指南](#)

[Nonprofits Influencing Public Policy in California.](#)

Please note: as of the date of publication, there is pending legislation which may make these types of communications subject to disclosure or at least may require disclaimers .

MEMBER COMMUNICATIONS

Payments for communications made to an organization's **members** are *not* contributions or independent expenditures. This applies only to communications that are directed *solely* to an organization's members, employees, shareholders and families of members, employees or shareholders, and are not otherwise publicly advertised. There is no limit on the amount that an organization may spend to communicate with members or on the type of communication that can be used (e.g., mail, phone calls, door-to-door canvassing), as long as the communication is not distributed to the general public.

For the purposes of 501(c) member communications, "member" is defined as any person who:

1. Pursuant to the organization's articles or bylaws, has the right to vote directly or indirectly:
 - a. for officers and/or directors;
 - b. to dispose of all or substantially all of the organization's assets; or
 - c. on the merger or dissolution of the organization;
2. Or is designated in the articles or bylaws as a member and
 - a. Has the right to vote on changes to those articles or bylaws or
 - b. Pays or has paid membership dues.

A member of a local union, meanwhile, is considered a member of any national or international union of which the local union is a part, and a member of any federation with which the local, national, or international union is affiliated.

However, note that a person is not a "member" of an organization just because the person is on the organization's mailing or email list. Also, if an organization sponsors a committee and uses committee funds to pay for communications with its members, those payments must be disclosed on the sponsored committee's campaign statements.

Please note that the California definition of "member" is narrower than the IRS definition of "member." Please see [Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities](#) for more information.

CANDIDATE APPEARANCES AT REGULARLY SCHEDULED MEETINGS

The PRA permits "bona fide service, social, business, trade, union, or professional organizations or groups" to host candidates at the organization's regular meetings without reporting the expenses associated with such meetings as expenditures or contributions, as long as the expenses are for "reasonable overhead expenses associated with a regularly-scheduled meeting," and "the organization pays no additional costs in connection with the speaker's attendance."

501(c)(3) organizations must also heed IRS rules regarding candidate appearances. For more information, please see Bolder Advocacy's fact sheet, [Hosting Candidates at Charitable Events.](#)



提醒注意：自本手册发布之日起，有待颁布的立法可能会要求披露这些类型的通讯，或至少可能需要做出免责声明。

成员间通讯

与某组织的成员通讯所产生的费用不属于捐款或独立支出。这仅适用于针对组织的成员，雇员，股东以及上述人员的家庭成员，并且未曾公开刊登广告。对组织与成员进行通讯所花费的金额或可以使用的通讯类型（例如，邮件，电话，登门拜访等）没有任何限制，只要通讯没有面向公众。

出于理解501(c)成员通讯的目的，“成员”的定义是：

1. 根据组织的章程或规章制度，拥有对以下事项的直接或间接投票权：
 - a. 组织官员和/或董事的任免；
 - b. 处置组织的全部或关键的所有资产；或
 - c. 合并或解散组织；
2. 或由章程或规章制度指定而为成员
 - a. 有权投票对章程或规章制度进行修改；或
 - b. 支付或已经支付了成员会费。

同时，地方工会的成员被认为是该地方工会所属的任何全美或国际工会的成员，并且被认为是该地方，全美或国际工会所隶属的任何联盟的成员。

但是，请注意，仅因为某人在某组织的邮件或电子邮件接收列表当中，某人不一定就被视为该组织的“成员”。此外，如果某组织赞助某委员会并使用委员会资金来支付与其成员的通讯费用，则这些款项必须在其所赞助的委员会的竞选声明中予以披露。

请注意，加利福尼亚州对“成员”的定义比IRS对“成员”的定义要相对狭窄。有关更多信息，请参阅[成为参与者：美国国税局游说慈善机构的游说规则](#)。

候选人出席定期会议

PRA允许“真实善意的服务，社交，商业，贸易，工会或专业服务组织及团体”在组织的例会上邀请候选人讲演，但不需要当做支出或捐款而报告与此类例会相关的开销。只要这类开销满足条件：用于“与定期会议相关的合理的间接费用”，以及“组织无需为演讲者的出席支付任何额外费用。”

501(c)(3)组织还必须遵守IRS有关候选人出场的相关规则。欲了解更多有关信息，请参阅Bolder Advocacy的概



[Ensuring Candidate Appearances Remain Nonpartisan](#), and the longer publication [Rules of the Game](#).

RECEIVING CONTRIBUTIONS TOTALING LESS THAN \$2,000 (FROM ALL SOURCES COMBINED)

Under the PRA, a person or group becomes a recipient committee when they accept \$2,000 or more in contributions from all sources combined in a calendar year. This threshold includes both monetary and in-kind contributions. If an organization is working in coordination with the main ballot measure committee and solicits and receives only \$1,999 in a year in support of/against a ballot measure, the group would not need to register or file campaign statements. (See [Key Concepts](#) for more about the definition of recipient committees and Registration and Reporting Mechanics about reporting for recipient committees.)

CONTRACT WORK (I.E. BEING A CAMPAIGN VENDOR)

Performing work under contract for a campaign--such as canvassing or phone banking--does not count as a reportable contribution, as long as the organization is paid fair market value for the services rendered. Indeed, in such a situation, the organization is merely acting as a vendor to the campaign. It is a best practice to document fee for service work for campaigns in writing.

DEBATES

The PRA also permits nonpartisan organizations to make payments for debates or forums featuring a ballot measure proponent or candidate, without incurring a reportable expense, as long as:

1. The proponent of a ballot measure and at least one opponent or their representatives are invited to participate; or
2. If involving candidates, at least two opposing candidates are invited to participate; or
3. If sponsored by a political party, the majority of that party's candidates were invited to participate.

Note that 501(c)(3)s must remain nonpartisan and must also abide by IRS rules for hosting candidates debates and forums. For more information, please see Bolder Advocacy's fact sheet, [Hosting Candidate Debates: Public Charities Can Educate the Community Through Candidate Debates](#).

NOT URGING ACTION ON THE MEASURE OR CANDIDATE

If an organization is not coordinating with a ballot measure or candidate committee, they may not need to report expenditures for just publishing neutral statements about a measure or candidate election. A neutral statement does not urge voters to vote for or against a measure or candidate.

Organizations that do not coordinate with a ballot measure committee should pay attention to what messages and what they publish and when. (See [Key Concepts](#) for more information about Independent Expenditure Committees.) Communications that are disseminated more than 60 days before an election may not need to be reported if they do not use express words of advocacy. However, communications disseminated within 60 days of an election are more likely to qualify as reportable campaign activity.



况介绍，[邀请候选人参加慈善活动：确保候选者的出席保持无党派状态](#)，及所发布的更长详细版本[活动规则](#)。

收到捐款总额少于2,000美元（所有资金来源的总和）

根据PRA，当个人或团体在一个日历年中接受所有捐款资金来源超过2,000美元（含）时，便成为接收委员会。该最低限额包括货币和实物捐赠。如果某个组织正在与主要选票提案委员会进行协调并征求意见，并且在一年中仅获得1,999美元的支持/反对某选票提案，则该组织将无需注册或提交其竞选声明。（有关接收委员会定义的更多信息，请参阅[重要概念](#)；有关接收委员会的报告的信息，请参见注册和报告机制。）

合同工作（即成为竞选服务商）

只要某组织为所提供的服务获取了公平的市场价格，而按照竞选合同执行工作，例如登门拜票或电话银行，则不算作应报告的捐款。实际上，在这种情况下，组织仅充当竞选活动的供应商。推荐以书面形式记录竞选活动的服务费用作为最佳方式。

辩论

PRA还允许无党派组织为以选票提案支持者或候选人出席的辩论或论坛付款，而不会产生可报告的费用，只要：

1. 赞成选票提案的一方和至少一名反对方或其代表应获邀参加；或
2. 如果涉及候选人，则至少邀请两名反方候选人参加；或
3. 如果是由某个政党赞助的，则该党的大多数候选人都应获邀参加。

请注意，501(c)(3)必须保持无党派状态，并且还必须遵守IRS关于举办候选人辩论和论坛的相关规则规定。有关更多信息，请参阅Bolder Advocacy的概况介绍，[主办候选人辩论：公共慈善机构可以通过候选人辩论来教育社区](#)。

非敦促针对提案或候选人所采取的行动

如果某组织不与选票提案或候选人委员会进行协调，则它们可能不必仅出于发布有关提案或候选人选举的中立声明而报告其支出。中立声明，是指其不敦促选民投票赞成或反对一项提案或候选人。

不与选票提案委员会进行协调的组织应注意哪些消息，它们发布什么内容以及何时发布。（有关独立支出委员会的更多信息，请参阅[重要概念](#)。）如果在距选举日60天以前的通讯不使用明确的倡导性措辞，则可能无需报告。但是，在距选举日60天内的通讯则更有可能被视为应报告的竞选活动。

For more information, please see Bolder Advocacy's fact sheet, "[Ballot Measure Activities Exempt from California Disclosure Laws.](#)"

VOLUNTEER PERSONAL SERVICES

The PRA permits individuals (including individual nonprofit employees) to volunteer in a personal capacity for a ballot measure or candidate campaign. In this scenario, their donated time would not be reportable. In order for the exception to apply, the employee's activity must be truly personal and voluntary. The employee cannot be relieved from work duties in order to be able to volunteer. The employee cannot be directed by the employer to volunteer or compensated by the employer in any way to volunteer. Employees should make sure their volunteer activities occur outside the organization's office space, and outside of normal working hours (during vacation or other personal time).

Please contact Bolder Advocacy if you have questions about nonprofit employees volunteering for a ballot measure campaign effort.

UNCOMPENSATED INTERNET ACTIVITY

Under the so-called "uncompensated internet activity" safe harbor, if an individual who is not compensated by a candidate or committee sends communications for or against a candidate/measure over the Internet (e.g. e-mails, Facebook messages, blog/website posts, and hyperlinks), these activities are not considered reportable contributions or expenditures.

However, this safe harbor does not exempt paid blogging on behalf of a committee or candidate, which must be reported as an expenditure or contribution. Similarly, if a blogger receives a majority of advertisement revenue from one committee or candidate, the blogger will not be considered "uncompensated," and therefore the safe harbor will not apply.

Contribution Limits and Source Restrictions

CONTRIBUTION LIMITS

Please consult the [FPPC's](#) website for up-to-date state contribution limits for 2019-2020, and review local jurisdiction laws regarding city and county contribution limits. The FPPC's website also contains a list of local campaign finance ordinances for research purposes. You may also need to confer with local election officials or a political compliance attorney to understand the more complex local limits.

BALLOT MEASURES

There are *no limits* on how much a person or entity may contribute to a state measure committee in California, including one controlled by a state candidate. There are limited exceptions to this rule where a committee controlled by a candidate pays for advertisements featuring that candidate.

POST-ELECTION CONTRIBUTIONS

Candidate committees are allowed to fundraise after the election *as long as they only fundraise to pay for outstanding debts* from the election. The candidate committee's debts for the primary and general elections are calculated separately. Even when candidates are raising money to pay off

有关更多信息，请参阅Bolder Advocacy的概况介绍，[“不被加州法律要求报告的选票提案活动”](#)

个人志愿者服务

PRA允许个人（包括非营利性雇员）以个人身份自愿参加选票提案或候选人的竞选活动。在这种情况下，他们的捐赠时间将不需报告。为了适用例外情况，员工的活动必须是真正的个人且自愿的行为。员工不能因为志愿活动而免除其工作职责。雇主不能指示雇员参加，也不能以任何形式由雇主提供补偿以换得自愿参加。员工应确保其志愿活动发生在组织的办公空间之外和正常工作时间之外（在假期或其他私人时间）。

如果您对非营利组织员工为选票提案活动志愿服务有所疑问，请联系Bolder Advocacy。

无偿的互联网活动

在所谓的“无偿互联网活动”安全港条例之下，如果没有得到候选人或委员会补偿的个人通过互联网发送针对候选人/提案的通讯或针对候选人/提案的通讯（例如电子邮件，Facebook消息，博客/网站帖子，以及超链接等），则这些活动不被视为可报告的捐款或支出。

但是，此安全港条例并不能免除代表委员会或候选人的付费博客的费用，必须将其报告为支出或捐款。同样，如果博客作者从一个委员会或候选人那里获得了大部分的广告收入，则该博客作者不会被视为“未获得补偿”，因此，安全港条例也将不适用。

捐款额度和来源的限制

捐款额度限制

请访问FPPC网站以获取2019-2020年度最新的州捐款限额，并查看有关市县限额的地方管辖法律法规。FPPC的网站还包含用于研究为目的的本地竞选财务条例列表。您可能还需要向地方选举官员或政治合规律师咨询，以了解更为复杂的当地限制规定。

选票提案

一个人或实体可以成为加州的一个州提案委员会（包括由州候选人控制的一个委员会）捐款且没有限制。但在此规则下有例外情况，即由候选人控制的委员会为该候选人的广告付费。

选举后的捐款

只要候选人委员会仅筹集资金以支付选举中的未偿债务，便可以进行筹集资金。而候选人委员会的初选和大选债务则需分别计算。即使候选人正在筹集资金以偿还债务，捐款限额仍然适用。地方法规条例可能会对当地候选人的选举后筹款具有其他或为不同的限制。



debt, contribution limits still apply. Local ordinances may impose additional or different restrictions on post-election fundraising for local candidates.

Ballot measure committees are not subject to timing restrictions on fundraising because they are not subject to contribution limits. However, both the PRA and the Elections Code contain restrictions about how those funds may be used after the election.

For more information about how committees may use campaign funds after the election, please see the section "[After the Election.](#)"

CONTRIBUTIONS NOT SUBJECT TO LIMITS

California law currently does not limit contributions to the following activities:

1. **Ballot Measures, including recalls:** As a matter of Constitutional law there are no limitations on contributions to ballot measure committees except in very limited circumstances (discussed above).
2. **Independent Expenditures:** As a matter of Constitutional law there are no limitations on contributions to independent expenditure campaigns in California.
3. **Non-Candidate Support Accounts:** Political parties and other committees in California can raise funds that are not used to directly contribute to state candidates. Those funds are not subject to contribution limits. These accounts can be used to pay for independent expenditures, administrative expenses, contributions to local candidates, etc. The funds may not be used to make monetary or in-kind contributions to state candidates.
4. **Legal defense fund:** Contributions raised for a legal defense fund are not subject to contribution limits, so long as the money raised is reasonably related to covering attorney's fees and other legal costs related to the legal matter for which the fund is created.
5. **Recall defense:** As of 2017, contribution limits no longer apply to a committee created by an officeholder who is the target of a recall; funds raised by such a committee can be used to oppose both the qualification of the recall measure and, if the recall petition qualifies, the recall election.

RESTRICTIONS BASED ON THE SOURCE OF THE CONTRIBUTION

No Restrictions on Corporate Contributions

Unlike federal election law, the PRA does not prohibit **corporate contributions** to candidates. The PRA also permits corporate entities, including nonprofits, to contribute to ballot measure committees. Note, however, that *IRS rules still prohibit 501(c)(3)s from supporting or opposing candidates for public office*. By contrast, under IRS rules 501(c)(4)s, (c)(5)s (labor unions), and (c)(6)s (trade associations) are permitted to contribute to both ballot measure and state and local candidates.

Please also note that some local jurisdictions do impose such restrictions which are sometimes broader than federal law. For example, both the City and County of San Diego prohibit contributions to candidates from corporations and other non-individuals, including committees. Only individuals can contribute to candidates in these jurisdictions.

选票提案委员会不受筹款时间的限制，因为它们不受捐款额度的限制。但是，PRA和《选举法规》都对在选举后如何使用这些资金有相关限制规定。

有关选举后委员会如何使用竞选资金的更多信息，请参阅“[选举过后](#)”部分。

不受限制的捐款

加州州法目前对下列活动不做捐款额度限制：

1. 选票提案，包括召回：根据宪法，对选票委员会的捐款没有限制，除非在非常有限的情况下（如上所述）。
2. 独立支出：根据宪法，在加州对独立支出运动的捐款没有限制。
3. 非候选人支援帐户：加利福尼亚州的政党和其他委员会可以筹集不直接用于向州候选人捐款的资金。这些资金不受捐款限制。这些帐户可用于支付独立开支，管理费用，对当地候选人的捐款等。但这些资金不得用于对州候选人的金钱或实物捐赠。
4. 法律辩护基金：为法律辩护基金筹集的捐款不受缴款限额的限制，只要筹集的资金与所支付的律师费以及与该基金所针对的相关法律事务的其他法律费用是合理相关的。
5. 罢免辩护：自2017年起，缴费限额不再适用于作为以罢免在职当选人为目标而成立的委员会；这样一个委员会筹集的资金既可以用来反对罢免提案的资格，也可以用来反对罢免选举（如果召回请愿具备资格的话）

捐款来源的限制

公司捐款没有限制

与联邦选举法不同，PRA不禁止公司向候选人捐款。PRA还允许包括非营利组织在内的公司实体为投票表决委员会做出捐款。但是请注意，IRS规则仍然禁止501(c)(3)支持或反对公职候选人。相比之下，根据IRS规则501(c)(4)，(c)(5)（即工会）和(c)(6)s（即行业协会），则被允许同时参与选票提案和州级和地方候选人。

另请注意，某些地方管辖区确实施加了这样的限制，有时这些限制的范围比联邦法律还要广泛。例如，圣地亚哥市和县都禁止向公司和其他非个人（包括委员会）的候选人捐款。在这些管辖区中，只有个人才能为候选人捐款。

Anonymous Contributions and Cash Contributions

The PRA prohibits anonymous campaign contributions of \$25 or more. Committees that receive a contribution of \$25 or more from a single source in a calendar year must keep the contributor's name and address in the committee's records. In addition, that source must be disclosed on the committee's campaign statement if total contributions from that source reach \$100 or more during the calendar year. If a committee receives \$100 or more as an anonymous contribution (i.e. \$100 in cash or in-kind contributions), the committee must send it to the Secretary of State to be deposited in the State General Fund.

The PRA also prohibits committees from accepting cash contributions of \$100 or more.

If a committee receives over \$100 in cash from a single source, the committee must return it to the contributor by the end of the reporting period--assuming the cash contribution has not already been deposited or spent. If a committee inadvertently deposits a cash contribution of \$100 or more into its bank account, the cash contribution must be returned to the donor within 72 hours of receipt. In addition, FPPC recordkeeping rules require daily logs of cash receipts, and FTB auditors review these records very closely. For all these reasons, it is a best practice to refuse cash donations of any amount for political activities.

Intermediaries and Earmarked Contributions

Ballot measure committees must show not just who has given them money, but also need to show the original source of their funding. Failure to disclose the true source of a ballot measure contribution is considered campaign "money laundering," which is violation of the PRA. For more information on how these rules impact nonprofit organizations, please see "Multipurpose Organizations" in [Key Concepts](#).

The PRA prohibits any person from making a contribution on behalf of another person or acting as an intermediary for another person, unless the intermediary also gives identifying information about themselves and about the true sources of the contribution along with the contribution. The recipient of the contribution must report both the intermediary and the original source of the contribution.

Under the 2017 California DISCLOSE Act, if a donor makes a contribution to a committee that is earmarked for a donation to a separate specifically identified committee, candidate or ballot measure there are additional reporting rules for all parties involved in the transaction. The applicable disclosure rules depend on the type of earmarking and how the funds are ultimately used. Donors making and organizations accepting earmarked contributions should review these rules carefully and seek advice from the FPPC or political compliance counsel.

Foreign Nationals/Foreign Principals

Federal Election Law

Federal election law broadly prohibits **foreign nationals** from intervening in US candidate elections. For purposes of the prohibition, the term "foreign national" refers to:

1. An individual who is not a citizen or legal permanent resident of the United States; or
2. A **foreign principal**, defined as a foreign government, political party, partnership, association, or corporation.

匿名和现金捐款

PRA禁止超过25美元的匿名竞选捐款。在一个日历年内从单一来源收到超过25美元（含）捐款的委员会，必须在委员会的记录中保留捐款者的姓名和地址。此外，该来源必须在委员会的竞选活动声明中注明，如果该来源在该日历年内的总捐款超过100美元（含）。如果委员会收到超过100美元的匿名捐款（即100美元现金或实物捐款），则委员会必须将其发送给州务卿，以存放在加州普通基金中。

PRA还禁止委员会接受超过100美元（含）的现金捐款。

如果委员会从单一来源收到超过100美元的现金，则委员会必须在报告截止日期之前将其退还给捐助者--假定现金捐赠尚未存入或被花掉。如果委员会无意中超过100美元（含）的现金捐款存入其银行帐户，则必须在收到现金后72小时内将现金捐款退还给捐助者。另外，FPPC记录保存规则要求每天记录现金收入，FTB审计员将非常仔细地审查这些记录。由于所有这些提到的原因，最佳做法是拒绝任何数量的现金捐赠用于政治活动。

中介和专用捐款

选票提案委员会不仅必须表明谁给了他们钱，而且还必须表明他们的原始资金来源。未能披露选票提案捐款的真正来源被视为给竞选活动“洗钱”，这违反了PRA。有关这些规则如何影响非营利组织的更多信息，请参见“[重要概念](#)”中的“多目的组织”。

PRA禁止任何人代表他人进行捐款或充当他人的中介，除非此中介人还提供有关自己的信息以及有关捐款的真实来源。捐款的接收者必须报告捐款的中间人和原始来源。

根据2017年施行的《加利福尼亚州披露法案》（California DISCLOSE Act），如果某捐赠者向专门为单独确定的委员会，候选人或选票提案捐款，则会涉及交易各方的额外报告规则。适用的披露规则取决于指定用途的类型以及最终使用资金的方式。捐赠者和接受专用捐款的组织应仔细审查这些规则，并寻求FPPC或政治合规法律顾问的建议。

外国人或外国实体

联邦选举法

联邦选举法广泛禁止外国人干预美国候选人选举。出于禁止的目的，“外国人”一词是指：

1. 非美国公民或不拥有合法永久居留权的个人；或
2. 外国实体，指外国政府，政党，合伙企业，协会或者公司等。

“Green card” holders who are legally admitted for permanent residence to the United States are *not* considered foreign nationals, so they may lawfully make campaign contributions in US elections.

Foreign nationals may not make, and campaigns may not solicit or accept from a foreign national, any contribution, donation, or expenditure in connection with a US election. This broad prohibition applies to candidate elections at the federal, state, and local levels.

Foreign National Involvement in California Ballot Measure Elections

It is clear that the federal prohibition on contributions from foreign nationals applies to candidate elections at every level of government. However, it is unclear whether the prohibition applies to *ballot measure elections* at the state and local level. The Federal Election Commission (FEC) has deadlocked on the issue since 2015 and has not ruled on it since.

California law does not answer the question of whether individual foreign nationals may contribute to ballot measure elections in California. However, the PRA unambiguously prohibits both ballot measure and candidate committees from soliciting or accepting contributions from **foreign principals**. The PRA defines a “foreign principal” differently than the FEC defines “foreign national.” The PRA defines a “foreign principal” as:

1. A foreign organization, including a partnership, association, or corporation;
2. A US subsidiary of a foreign corporation, if the decision to contribute or expend funds is made by an officer, director, or manager of the foreign corporation who is not a US citizen or permanent resident;
3. A foreign political party; or
4. An individual who is outside of the US (unless the individual is a US citizen).

Under this definition, it appears that someone who is in the United States and who is not a US citizen or legal permanent resident may still be able to contribute to a local or state ballot measure under California law. In other words, it seems that California law may allow an undocumented or under-documented immigrant living in the United States to contribute to a ballot measure campaign.

合法获得美国永久居留权的“绿卡”持有人并不被视为外国人，因此他们可以合法地在美国大选中捐款。

外国人不得做出与美国大选有关的任何捐款，捐赠或支出，竞选活动不得从外国人那里筹款或接受。这项广泛的禁令适用于联邦，州和地方各级的候选人选举。

外国人参与加州选票提案选举

显然，联邦禁止外国人捐款的规定适用于各级政府的候选人选举。但是，目前尚不清楚该禁令是否适用于州和地方一级的选票提案。自2015年以来，联邦选举委员会（FEC）就此问题一直陷入僵局，此后一直没有对此做出裁决。

加利福尼亚州的法律并未回答单个外国公民是否可以作为加州的选票提案捐款的问题。但是，PRA明确禁止选票提案和候选人委员会征集或接受外国实体的捐款。PRA与FEC对“外国实体”的定义不同。PRA将“外国实体”定义为

1. 外国组织，包括合伙企业，协会或者公司等；
2. 外国公司的美国子公司，如果该出资或支用资金的决定是由该外国公司的非美国公民或非永久居民的管理人员，董事或经理做出的；
3. 外国政党；或
4. 位于美国国境外的某个人（除非此人是美国公民）。

根据此定义，似乎在美国且不是美国公民或合法永久居民的某人仍然可以根据加利福尼亚州法律为地方或州的选票提案捐款。换句话说，似乎加州法律可能允许居住在美国的无证件或证件不足的移民向选票提案竞选活动捐款。

Registration and Reporting Requirements

REMINDERS ABOUT IRS RULES

Supporting or Opposing Ballot Measures or Candidates

While federal tax law prohibits 501(c)(3)s from supporting or opposing *candidates* for public office, 501(c)(3) public charities may support and oppose ballot measures. IRS rules permit other 501(c) nonprofits (including 501(c)(4) “social welfare organizations,” 501(c)(5) labor unions, and 501(c)(6) trade associations) to support both ballot measures and candidates.

Note that, while federal tax law treats activities to support or oppose ballot measures as lobbying, California law regulates this activity as *campaign finance activity*.

For more information about the IRS rules that govern 501(c)(3) lobbying, including ballot measure advocacy, please see Bolder Advocacy’s in-depth publication, [Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities](#).

REGISTRATION THRESHOLDS

Activities that May Trigger Registration/Reporting Requirements

Not every person or group of people that supports or opposes a ballot measures or candidates in California must register and report their activities. Only those that qualify as a “committee” as defined in Section II have reporting obligations. Independent expenditure committees that are not also recipient committees and major donors only file reports, they are not required to register.

Only recipient committees are required to officially register. As a reminder, recipient committees are persons that receive \$2,000 or more during a calendar year for the purpose of influencing California elections (either directly or due to earmarks) or MPOs that spend more than \$50,000 in 12 months or more than \$100,000 in four calendar years for that purpose.

As a general rule, spending or accepting money or resources, such as staff time, to influence a candidate or ballot measure election will count towards the various registration and reporting thresholds. There are some activities that do not qualify as contributions or expenditures, and therefore do not count towards these thresholds. See [Activities your Organization Can Engage in that Won’t Trigger Disclosure](#) for a discussion of activities that can be carried out without triggering registration or reporting obligations.

TYPES OF RECIPIENT COMMITTEES

There are multiple types of recipient committees, some of which have slightly different naming and reporting requirements. Below is a brief overview of some common types of recipient committees and their distinguishing characteristics. Please note, some of these categories are not mutually exclusive. For example, you can have a primarily formed ballot measure committee that is also a sponsored committee.

注册和报告要求

IRS规则的提醒

支持或反对选票提案或候选人

虽然联邦税法禁止501(c)(3)支持或反对公职候选人，但501(c)(3)公共慈善机构可以支持和反对选票提案。IRS规则允许其他501(c)非营利组织（包括501(c)(4)“社会福利组织”，501(c)(5)工会和501(c)(6)）支持这两种选票提案和候选人。

请注意，尽管联邦税法将支持或反对选票提案的活动视为游说，加州法律将此活动作为竞选财务活动进行规范。

有关IRS管理501(c)(3)游说的规则的更多信息，包括选票提案的倡导，请参阅Bolder Advocacy的深入分析出版物，[成为参与者：IRS游说慈善机构游说规则指南](#)。

注册最低要求

可能触发注册/报告要求的活动

并不是每个支持或反对选票提案的人或一群人，以及加州候选人都必须注册并报告其活动。只包括那些有资格成为“委员会”（第二章节中定义的报告义务）的对象才需要。既不是接收委员会又不是主要捐赠方的独立支出委员会仅须提交报告，而无需注册。

只有接收委员会一种需要官方注册。提醒，接收委员会是指在一个日历年中收到超过2,000美元（含）的款项，以影响加州选举（直接或指定用途）或为了这个目的MPO在12个月内花费超过50,000美元或在四个日历年花费超过100,000美元的。

通常，用以影响候选人或选票提案的选举所花费或接受的金钱或资源（例如员工时间）将计入各种注册和报告最低要求数额。有些活动不符合捐款或支出的资格，因此不计入这些要求。有关不触发注册或报告义务的前提下，你的组织可参与的活动的讨论，请参见[可以参与的不会触发披露的组织活动](#)。

接收委员会的种类

接收委员会有多种类型，其中一些命名和报告要求略有不同。以下是接收委员会的一些常见类型及其区别特征的简要概述。请注意，其中某些类别不是互斥的。例如，您可以拥有一个最初组建的选票提案委员会，它同时也是一个赞助委员会。

Primarily Formed Committee

A committee that:

1. Was created for the purpose of running the *principal campaign* for or against one or more measures or candidates appearing on the same ballot;
2. Has the *primary purpose or activity* of supporting or opposing one or more measures or candidates appearing on the same ballot; or
3. Makes more than 70% of its total contributions and expenditures (calculated pursuant to a specific FPPC regulation) to support or oppose one or more measures or candidates appearing on the same ballot.

There are special rules about new committees that open close to elections, sponsors of existing primarily formed committees, and overall thresholds which impact whether a committee is primarily formed. Those rules are beyond the scope of this guide. Please use the links to FPPC materials below for more information on calculating committee status.

Often, a nonprofit will become involved in a ballot measure campaign related to a specific local measure or measures. That activity alone may qualify the committee as “primarily formed” for the duration of that campaign. If the committee stays registered past the election and engages in multiple elections, it may qualify as general purpose committee in the future.

Primarily formed committees have unique requirements. Some key differences compared to other committees include:

1. Committee name:
 - a. If supporting a measure or measures, the committee must include the letter or number of the measure and whether the committee supports or opposes the measure.
 - b. If supporting or opposing a candidate, the committee must include the candidate's last name, office sought, year of election and whether the committee supports or opposes the candidate .and information related to the committee's top contributors;
2. 24-Hour Reports: primarily formed committees have 24 hours to report aggregate contributions of \$1,000 or more received within the 90-day window leading up to an election. Similarly, primarily formed committees must report any contributions of \$5,000 or more received to support or oppose a single *state* ballot measure or candidate within 10 business days any time before the 90-day period.

General Purpose Committee

A committee which is formed or exists primarily to support or oppose more than one candidate or ballot measure. It is not a primarily formed committee because it is not running the principal campaign, it was formed to support or oppose candidates or measures across various elections, or its contributions are more broadly spread over multiple elections. A general purpose committee must determine whether it is a state, county or city committee by calculating the percentage of contributions and expenditures in each jurisdiction on a quarterly basis.

主题委员会

某委员会：

1. 创建目的是为了进行*主要选举*以支持或反对一个或多个同一票上出现的提案或候选人；
2. 具有*主要目的或活动*以支持或反对一项或多项同一票上的提案或候选人；或
3. 将其捐款和支出总额的70%以上（根据FPPC的特定规定计算），以支持或反对同一选票上出现的一项或多项提案或候选人。

有一些关于新委员会在临近选举之前开放的特殊规则，现有的主题委员会的发起人，以及影响是否是主题委员会的总体最低要求。这些规则超出了本指南的范围。请使用下文的FPPC材料链接，以获取有关推导委员会状态的更多信息。

通常，非营利组织会参与与一项或多项特定本地提案有关的选票提案竞选活动。仅此一项活动就可以使委员会在竞选期间具有“主题”的资格。如果该委员会在选举后仍保持注册状态，并且参加了多次选举，则将来有资格成为主要目的委员会。

主题委员会有独特的要求。与其他委员会相比，这些主要差异包括：

1. 委员会名称：
 - a. 如果支持一项或多项提案，委员会必须提供该提案的字母或编号，以及委员会是支持还是反对该提案。
 - b. 如果支持或反对某候选人，委员会必须包括候选人的姓氏，所寻求的职位，选举年份以及委员会是支持还是反对该候选人，以及与委员会主要捐款者有关的信息；
2. 24小时报告制度：主题委员会有24小时报告在选举前90天之内收到的每笔来源累计超过1,000美元（含）的捐款。同样，主题委员会必须在90天的期限内的任何10个工作日内，报告其为支持或反对一项州选票提案或候选人而收到的超过5,000（含）的捐款。

多目的委员会

成立或主要是为了支持或反对一个以上的候选人或选票提案的委员会。它不是一个主题委员会，因为它没有打算主持主要竞选活动，它的成立是为了支持或反对各种选举中的候选人或提案，或者它的捐款更广泛地分布在多次选举中。多目的委员会必须通过每季度计算其每个辖区的收支百分比来确定它是州，县还是市委员会。

For more information, please see:

[FPPC Ballot Measure Manual Chapter 1.5 \(General Purpose vs. Primarily Formed Ballot Measure Committees\)](#)

[FPPC General Purpose Committee Manual](#)

Sponsored Committee

A committee is considered “**sponsored**” by an entity or organization (such as a nonprofit) if the entity or organization:

1. Provides 80% or more of the committee’s funding;
2. Collects money for the committee using payroll deductions or dues;
3. Provides all or nearly all of the committee’s administrative services; or
4. Sets policies for the committee’s fundraising or spending the committee’s funds.

Sponsored committees have specific naming requirements so that the public can be informed as to who is funding them. Only an organization may sponsor a committee; an individual may not be a committee sponsor.

For more information about sponsored committees, please see: [FPPC General Purpose Ballot Measure Committee \(Chapter 1.7, “Sponsored Committees”\)](#)

Controlled Committee

A committee can also be considered **controlled** by a candidate or by the proponent of a state ballot measure (not a local measure). A ballot measure committee is controlled if the candidate or state measure proponent has “significant influence” over the actions or decisions of the committee. A ballot measure committee that is candidate-controlled or controlled by a state ballot measure proponent has different disclosure requirements in certain cases.

A committee that is “controlled” cannot also be “sponsored.”

For more information about controlled committees, please see:

[Information for State Candidates, Their Controlled Committees, and Primarily Formed Committees for State Candidates \(FPPC Campaign Disclosure Manual 1\)](#)

[Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates \(FPPC Campaign Disclosure Manual 2\)](#)

有关更多信息，请参见：

[FPPC选票提案手册第1.5章（多目的vs.主题选票提案委员会）](#)

[FPPC多目的委员会手册](#)

受赞助委员会

某实体或组织（例如非营利组织）被认为委员会是“被赞助”，如果此实体或组织：

1. 提供委员会资金的超过80%；
2. 使用工资扣除或应得的费用为委员会筹集资金；
3. 提供委员会的全部或几乎所有行政服务；或
4. 制定委员会筹款或委员会资金支出的政策。

受赞助委员会有具体的命名要求，以便公众可以了解谁为它们提供资金。只有组织可以赞助委员会；个人可能不可以成为委员会的赞助者。

有关赞助委员会的更多信息，请参见：[FPPC通用选票提案委员会（第1.7章，“受赞助委员会”）](#)

受控委员会

某委员会还可以被认为是由候选人控制或由州选票提案（而非地方提案）的支持者控制。如果候选人或州提案支持者对委员会的行动或决定具有“重大影响”，则该选票提案委员是受到控制的。在某些情况下，由候选人控制或由州选票提案支持者控制的选票提案委员会对其披露的要求有所不同。

被“控制”的委员会不能同时被“赞助”。

有关受控委员会的更多信息，请参见：

[州候选人，其受控委员会和州候选人委员会的基本信息（FPPC竞选披露手册1）](#)

[地方候选人，高等法院法官，他们的受控委员会以及主题为地方候选人设立的委员会（《FPPC竞选披露手册》2）](#)

REGISTRATION AND REPORTING MECHANICS

Registration

As discussed above, only recipient committees are required to register. (Remember that some nonprofit organizations that receive donor funds may qualify as recipient committees, because they are Multi-Purpose Organizations, or MPOs.) Independent expenditure committees (that are not also recipient committees) and major donors only file reports when required.

Most campaign committees must register with the Secretary of State within 10 days of qualifying as a committee and pay a **\$50 annual fee** to the Secretary of State shortly thereafter. (Certain local committees will only need to file with their local filing official.) Failure to pay the \$50 annual fee can result in a \$150 penalty. Committees that qualify within 16 days of an election may be required to register within 24 hours. All recipient committees must register using FPPC Form 410, known as the Statement of Organization, when they qualify as a committee. Certain local committees will only need to file with their local filing official.

Local recipient committees will also need to send a copy of their registration to the County Elections Office or City Clerk. (See the FPPC website for more information.) The recipient committee may also be required to apply for electronic filing credentials with the local filing official depending on the requirements of the local jurisdiction. It's a good idea to get to know your local filing officer and obtain guidance about both the filing requirements and deadlines that apply to your committee.

Remember, once a person or entity qualifies as a committee, they become a committee, whether they planned to or not.

Reporting

Independent Expenditure committees (that are not also recipient committees) and Major Donor committees must file semi-annual, quarterly and pre-election statements (when required), on **Form 461**. These types of filers only file statements in calendar years where they meet the relevant threshold. If they don't meet the threshold in a certain year, they don't have to file statements in that year. The threshold starts fresh each calendar year.

Recipient committees file semi-annual, quarterly and pre-election statements (when required) on **Form 460**. Recipient committees are required to file reports until they affirmatively terminate their status with a final **Form 410**.

All filers, regardless of registration status, should file Late Contribution Reports (**Forms 497**) and Late Independent Expenditure Reports on (**Form 496**).

The most commonly required campaign statements include:

Semi-Annual Statements: The first semi-annual statement of the year covers January 1 through June 30 and is due July 31. The second semi-annual statement covers July 1 through December 31 and is due January 31 of the following calendar year. The period the statement covers may change if the committee needs to file additional statements during the year.

Recipient committees must file at least these two statements every calendar year. Independent expenditure committees and Major Donors only file when the relevant threshold has been met.

注册和报告机制

注册

如上所述，仅要求接收委员会需要进行注册。（请记住，某些接收捐助者资金的非营利组织可能有资格成为接收委员会，因为它们是多目的组织或MPO。）独立支出委员会（也不是接收委员会）和主要捐赠者仅在需要时才提交报告。

大多数竞选委员会必须在具备成为委员会资格的10天内向州务卿注册，并在此后不久向州务卿支付50美元的年费。（某些地方委员会只需要向其当地的备案官员进行备案。）未缴纳50美元的年费可能会导致150美元的罚款。符合资格的委员会在距离选举16天内可能需要在24小时内注册。当所有接收委员会具备成为委员会资格时，都必须使用FPPC 410表（称为组织声明）进行注册。某些地方委员会只需要向其当地备案官员进行备案。

地方接收委员会还需要将其注册副本发送给县选举办公室或市书记员。（有关更多信息，请参阅FPPC网站。）根据地方管辖区的要求，接收委员会也可能需要向当地备案官员申请电子备案证书。我们推荐了解您当地的备案官员并获得相关指导以适用于您委员会的备案要求和截止日期。

请记住，一旦某个人或实体具备了成为委员会的资格，无论他们是否事先计划，他们成便已为了委员会。

报告

独立支出委员会（也不是接收委员会）和主要捐赠委员会必须在461表上提交半年度，季度和大选前的声明（需要时）。这些类型的申报者仅在符合相关最低条件的日历年中备案声明。如果他们在某一年内未达到最低条件，则不必在该年内备案声明。最低条件则在每个日历年重新开始。

接收委员会在表格460上提交半年度，季度和大选前的声明（需要时）。要求接收委员会提交报告，直到他们最终以表格410确认其身份终止为止。

所有申报者，无论注册状态如何，均应提逾期的捐款报告（表格497）和逾期的独立支出报告（表格496）。

最常用的竞选系列声明包括：

半年度报表：该年度的第一份半年度报表的涵盖1月1日至6月30日，应于7月31日前提交。第二份半年度报告应涵盖7月1日至12月31日，并应于下一日历年的1月31日前提交。如果委员会在这一年中需要提交其他声明，则声明涵盖的期间可能会更改。

接收委员会必须在每个日历年至少提交这两份声明。独立支出委员会和主要捐赠者仅在达到相关最低要求时需要提交。

Quarterly Ballot Measure Statements: Required by primarily formed ballot measure recipient committees all year until the six-month period before the election when voters will vote on the measure. The quarterly statement is not necessary 6 months before the relevant election because the committee needs to file pre-election statements instead. The committee would also need to file a quarterly ballot measure statement after the election, if the committee spends money to influence a different measure.

Odd Year Quarterly Statements: Required by any recipient committee that spends \$10,000 or more to support or oppose state elected officers. The committee would only need to file these statements during odd calendar years.

Preelection Statements: Required two times before an election. The first time covers the period up to 45 days before the election. This statement is due 40 days before the election. The second statement covers the period up to 17 days before the election. This second statement is due 12 days before the election. These statements are required for all recipient committees that are primarily formed to support a ballot measure or candidate on the ballot. General purpose committees are required to file preelection statements if they spend \$500 or more in contributions or independent expenditures to influence an election.

Typically, independent expenditure committees and major donors are not required to file these reports. However, local jurisdictions may impose additional rules that mandate these reports for independent expenditure committees and major donors. Local jurisdictions may also impose an additional third pre-election statement that would be due closer to the election on specified dates.

Late Contribution Reports (LCRs): Any committee making a contribution of \$1,000 or more to support a measure or candidate on the ballot within 90 days of that measure or candidate appearing on the ballot or to a political party within 90 days of a state election must file this report.

Committees primarily formed to support or oppose a measure or candidate on the ballot must file within 24 hours of receiving aggregate contributions of \$1,000 or more from a single source within 90 days before the election.

A committee primarily formed to support or oppose a statewide ballot measure must file an LCR within 10 business days of receiving a contribution of \$5,000 or more on a single day from a single source at any time outside the 90 days before the measure appears on the ballot.

Late Independent Expenditure Reports (LIERs): Any committee making a payment of \$1000 or more for an independent expenditure supporting or opposing a candidate or measure within 90 days of that candidate or measure appearing on the ballot must file within 24 hours.

For more information about what/where/when to file reports, please see:

[FPPC webpage, "Where and When to File Campaign Statements."](#)

[CA Form 460 with Supplemental Instructions for Multipurpose Organizations Including Nonprofits](#)



季度选票提案声明：对主题选票提案接收委员全年有此要求，直到选举前六个月期间选民将对该提案进行投票为止。在相关选举之前的六个月，不必发布季度声明，因为委员会需要提交选举前声明。如果委员会花费开销影响另一项提案，则委员会还需要在选举后提交季度选票提案声明。

奇数年季度报表：花费超过10,000美元（含）来支持或反对州选官员的任何接收委员会都有此需要。委员会只需要在奇数日历年内提交这些声明即可。

竞选前声明：必须在选举前两次。第一次涵盖选举前长达45天的时间。该声明应在选举前40天提交。第二份声明涵盖选举前长达17天的时间。第二份声明应在选举前12天提交。所有旨在支持选票提案或候选人的主题接收委员会都需要这些声明。如果多目的委员会花费超过500美元（含）的捐款或独立支出来影响选举，则必须提交选举前声明。

通常，不需要独立支出委员会和主要捐赠者提交这些报告。但是，地方管辖区可能会实施其他强制规则，要求这些报告必须由独立支出委员会和主要捐助者承担。地方管辖区也可能额外要求第三次大选前声明，该声明应在更接近选举的指定日期提交。

逾期捐款报告（LCR）：任何委员会在该提案或候选人出现在选票上之后的90天内捐款超过1000美元（含），以支持该提案或候选人在选票上出现或在政党选举后的90天内向政党捐款，则须提交此报告。

主要为支持或反对选票中的一项提案或候选人而成立的委员会，必须在选举前90天内从单一来源收到总计超过1,000美元（含）的捐款的24小时内提交。

主题为支持或反对州选票提案的委员会，必须在该提案出现在选票上的90天之前的任何时间，在一天之内从单一来源收到超5,000美元（含）的捐款的10个工作日内提交LCR。

逾期独立支出报告（LIERS）：任何委员会在候选人或提案出现在选票上的90天内，支付超过1,000美元（或）的支持或反对候选人或提案的独立开支，都必须在24小时内提交。

有关提交报告的内容/地点/时间的更多信息，请参见：

[FPPC网页，“何时何地备案竞选声明”](#)。

[CA 460表格补充说明，适用于多目的组织，包括非营利组织](#)

RECORDKEEPING RULES

The PRA requires all campaigns to keep accurate and organized records of the campaign's receipts and expenditures. Campaign treasurers and principal officers are legally responsible for maintaining these records.

The PRA requires committees to keep detailed records of both the contributions the committee receives and the committee's expenditures. Committees must keep these records, including original bank statements, for a period of four years from the date the campaign statement related to the records was filed. Two kinds of records must be kept for contributions received: **a daily record** of how all the money the committee receives and a **contributor record**, with detailed information about each contributor of \$25 or more. Even though contributions under \$100 can be reported as a lump sum (i.e. not itemized) on a committee's campaign statements, a committee must keep track of the same information for contributions between \$25 and \$99, namely:

- date of contribution;
- amount of contribution;
- full name & street address of contributor; and
- occupation & employer (if the contributor is an individual)

The same information must be collected even if a contribution is between \$25 and \$99 because, if a contributor cumulatively contributes \$100 or more in a calendar year, the source of their contributions must be itemized on the committee's campaign statement. If a committee does not have any of the above information about a contributor of \$100 or more within 60 days of the contribution, the committee must return the contribution. If it is not possible to return a contribution, the committee must give the contribution to the Secretary of State, who will deposit it into the State General Fund.

Similarly, committees must also keep records of daily lump sum totals of expenditures, as well as more detailed records of expenditures of \$25 or more to a single recipient. For all expenditures of \$25 or more, a committee should generally keep track of the following information:

- date of expenditure
- amount of expenditure;
- full name & street address of payee; and
- description of the goods or services received.

Similar to contributions, expenditures under \$100 may be reported as a lump sum (not itemized) on a committee's campaign statements. However, if a committee makes two or more payments under \$100 to one recipient for a single product or service, and the total paid to that recipient during the reporting period totals \$100 or more, the committee must itemize the total amount paid to that recipient during the period.

Please note, new and detailed recordkeeping rules were recently adopted by the FPPC for MPOs. These rules take into account the various types of MPOs and the relevant information for them based on their activities. As of the date this publication was completed, the regulations were still with the Office of Administrative Law so not available for linking in this guide. These regulations should be available on the FPPC's website very soon.

记录保存规则

PRA要求所有竞选活动都必须保持其活动收支的准确且有条理的记录。竞选财务主管和主要官员有法律责任维护这些记录。

PRA要求委员会保留委员会收到的捐款和其支出的详细记录。委员会必须保留这些记录，包括原始的银行对帐单，保留自与该记录有关的竞选对帐单提交之日起四年。对于收到的捐款，必须保留两种记录：委员会如何收到所有款项的每日记录和捐款者记录，其中每位捐款者的详细信息为超过25美元（含）。即使100美元以下的捐款可以在委员会的竞选声明中一次性报告（即未逐项列出），但对于25美元至99美元之间的捐款，委员会必须跟踪相同的信息，即：

- 捐款日期；
- 捐款金额；
- 捐款者的全名和居住地址；和
- 职业和雇主（如果捐款者是个人）

即使捐款金额在25到99美元之间，也必须收集相同的信息，因为如果捐款人在一个日历年内累计捐款超过100美元（含），则其捐款来源必须在委员会的竞选声明中逐项列出。如果委员会在60天之内没有记录上述任何有关超过100美元（含）捐款人信息的捐款，委员会则必须退还该款项。如果不可能退还捐款，则委员会必须将捐款交给州务卿，州务卿将其存入州普通基金。

同样，委员会还必须保存每日总支出的记录，以及收款人超过25美元（含）的更详细记录。对于所有超过25美元（含）的支出，委员会通常应记录以下信息：

- 支出日期；
- 支出金额；
- 收款者的全名和居住地址；和
- 所购产品或服务的描述

与捐款类似，低于100美元的支出可能会在委员会的竞选声明中一次性记录（未逐项列出）。但是，如果委员会针对单个产品或服务向一位接收者支付了两次或多次付款，但总额低于100美元，并且在报告期内向该接收者支付的总金额总计超过100美元（含），则委员会必须逐项列出在此期间向该接收者支付的总金额时期。

请注意，FPCC最近针对MPO采用了新的详细记录保存规则。这些规则考虑了各种类型的MPO以及基于它们的活动的的相关信息。截至本出版物出版之日，具体法规仍在行政法办公室酝酿，因此无法在本指南中链接。这些规定将会尽快在FPCC的网站上提供。

Use of Campaign Funds

State law generally requires expenditures of campaign funds to be **reasonably related** to a **political, legislative, or governmental purpose**. In other words, committees hold campaign contributions **in trust** for these purposes.

Personal use of campaign funds (for expenses such as food, clothing, or shelter for personal, not campaign, purposes) is prohibited. If someone with authority to approve the committee's expenditures receives a **substantial personal benefit** paid with campaign funds, the expenditure must be **directly related** to a political, legislative, or governmental purpose (which is a higher standard than "reasonably related"). A substantial personal benefit is defined as an expenditure of campaign funds that results in a direct personal benefit to a candidate, elected officer, or someone with authority to approve the committee's expenditures that is valued at \$200 or more.

For a comprehensive overview of permissible and prohibited expenditures, including examples and hypotheticals, please see: [FPPC Ballot Measure Manual, Chapter 5](#) ("Use of Campaign Funds").

Communications

ACTIVITIES THAT MAY TRIGGER REGISTRATION/REPORTING REQUIREMENTS

The PRA requires reporting of most payments in connection with political communications and requires "paid for by" disclaimers on ads placed by committees to inform voters who is paying for a communication.

Typically, payments for advertisements will count towards the committee thresholds discussed in Section II. Once one of those thresholds is met, the payor is subject to the disclaimer rules in the PRA as well (see discussion of disclaimers below).

While these payments are generally subject to the reporting thresholds discussed above, there are a few communication specific requirements worth mentioning.

Verification of Independent Expenditure

Any filer making independent expenditures of \$1,000 or more to support or oppose a measure or candidate must file Form 462 to verify under penalty of perjury that the communications are in fact "independent." This form must be submitted to the FPPC within 10 days of reaching the \$1,000 threshold. While submitted by email, the filer must maintain the originally signed document in its records.

"Electioneering Communications"

The PRA does not use the term "electioneering communications." However, this term is commonly used to refer to some regulated communications that **clearly identify a candidate** for elective state office, but do not expressly advocate the candidate's election or defeat.

If the communication costs \$50,000 or more and it is broadcast, mailed, or otherwise published within 45 days of an election, the committee paying for the communication must file a report (Form E-530) within 48 hours of payment (or the promise of payment).

For more information, please see [Instructions to FPPC Form E-530](#).



使用竞选资金

州法通常要求竞选资金的支出与政治，立法或政府目的合理相关。换句话说，委员会为此目的以信托方式持有竞选捐款。

禁止将竞选资金用于个人用途（用于食品，衣服或住所等私人用途，而非竞选目的）。如果有权批准委员会的支出可从竞选基金中获得可观的个人利益，支出则必须直接与政治，立法或政府目的相关（这比“合理相关”的标准更高）。重大个人利益的定义是竞选资金的支出可使以下人员直接受益，候选人，民选官员或有权批准委员会的支出超过200美元（含）的个人。

有关被允许及被禁止的支出的全面概述，包括示例和假设，请参阅：[FPPC投票程序手册 第5章](#)（“竞选资金的使用”）。

通讯

可能触发注册/报告要求的活动

PRA要求报告与政治通讯有关的大多数付款，并要求在委员会投放的广告中含有“由付费”免责声明，以告知选民是谁为此通讯付费。

通常，广告付款将计入第二节中讨论的委员会门槛。一旦达到这些最低要求之一，付款人也将遵守PRA中的免责声明规则（请参阅下面有关免责声明的讨论）。

虽然这些付款通常要遵守上面讨论的报告最低要求，但仍有一些具体的关于通讯的要求值得一提。

独立支出的核实

为支持或反对一项提案或候选人而独立支出超过1,000美元（含）的任何申报者，都必须提交462号表格，以可能触犯伪证罪为前提了核实通讯实际上是“独立的”。此表格必须在达到\$ 1,000美元额度的10天内提交给FPPC。通过电子邮件提交时，提交者必须在其记录中保留原始签名的文档。

“竞选通讯”

PRA不使用“竞选通讯”一词。但是，该术语通常用于指代某些规范的通讯，这些通讯可以清楚地识别出州选举人的候选人，但并不明确主张候选人的获选或失败。

如果通讯费用超过50,000美元（含），并且在距离选举日45天内以广播，邮寄或以其他方式发布，则支付该通讯的委员会必须在付款（或保证付款）后48小时内提交一份报告（表格E-530）。

有关更多信息，请参见[FPPC表格E-530的说明](#)。

Please note, as of December 2019, there is pending legislation which may subject these types of communications to campaign disclosure and disclaimer rules in the near future.

Please consult the FPPC's website for more information about applicable requirements.

Slate Mailer Organizations

Organizations that receive payments to produce so-called **slate mailers** must file campaign statements disclosing all payments received and made in connection with such mailers. The PRA defines a "slate mailer" as a **mass mailing** (more than 200 substantially similar pieces of mail sent per calendar month, including email) that supports or opposes **four or more ballot measures or candidates**.

Individuals or organizations who qualify as **slate mailer organizations** must register as such and file campaign statements. A slate mailer organization is an individual or organization that:

1. Is directly or indirectly involved in the production of one or more slate mailers and exercises control over the selection of the measures or candidates the mailers support; and
2. Receives (or is promised) payment of \$500 or more in a calendar year to produce one or more slate mailers.

Importantly, the following entities/individuals can never be a slate mailer organization:

1. A candidate/officeholder or his/her controlled committee; or
2. A primarily formed committee (both for ballot measures and candidates).

Campaign Advertising Disclaimer Rules

The PRA requires campaign mailings and advertisements to include notices about who paid for the ad. These advertisement disclaimer rules apply to mass mailings (including e-mail blasts), paid telephone calls, radio and television ads, billboards, yard signs, and electronic media ads.

In 2017, the California Legislature passed the AB 249, known as the California DISCLOSE Act, which significantly changed disclaimer requirements for most committees. What type of disclaimer an ad must include--down to the font, text size and color, and exact wording--depends on the type of committee paying for the ad and the type of ad. Generally speaking, a "paid for by" disclaimer is required on all communications. Recipient committees of all types are also required to include a top contributor disclaimer, followed by the top three contributors of \$50,000 or more (if any). This is true for recipient committees that raise funds for political purposes and MPOs that are required to disclose donors pursuant to LIFO, discussed above. Independent expenditures supporting or opposing candidates are also required to include a "not authorized by" disclaimer.

Under the current rules, the exact language required and the display of that language depends greatly on the medium of the communication. These rules have been the subject of legislation each session for the past three Legislative Sessions and are currently the subject of a rulemaking at the FPPC scheduled for November 2019. As a result, we recommend that you review the most

请注意，自2019年12月起，有待颁布的立法可能会使这些类型的通讯在不久的将来受到竞选活动披露和免责条款的约束。

有关适用要求的更多信息，请访问FPCC的网站

整板邮寄组织

收到付款以产生所谓的“整板邮寄”的组织必须提交竞选声明，披露与该邮件有关的所有已收款和已付款。PRA将“整板邮寄”定义为支持或反对四个或更多选票提案或候选人的大宗邮件（每个日历月发送超过200个基本相似的邮件，包括电子邮件）。

符合整板邮寄组织资格的个人或组织必须进行注册并提交竞选声明。整板邮寄组织是指以下个人或组织

1. 直接或间接参与制作一个或多个整板邮寄，并控制邮寄者所选择支持的提案或候选人；和
2. 在一个日历年内收到（或承诺）支付超过500美元（含）的费用，以制作一个或多个更多的整板邮寄。

重要的是，以下实体/个人永远不能成为名单上的整板邮寄组织

1. 候选人/在职官员或其控制的委员会；
2. 一个主题委员会（包括选票提案和候选人两类）。

竞选广告免责声明规则

PRA要求竞选活动邮件和广告包含有关谁为广告付费的说明。这些广告免责声明规则适用于群发邮件（包括群发电子邮件），付费电话，广播和电视广告，广告牌，路边标识和电子媒体广告。

2017年，加利福尼亚州立法机关通过了AB 249法案，即《加利福尼亚披露法》（California DISCLOSE Act），该法案极大改变了多数委员会的免责声明要求。广告必须包括哪种类型的免责声明，哪种字体，文本大小和颜色以及确切的用词，具体取决于为广告付费的委员会类型和广告本身类型。一般而言，所有通讯均需要“由谁付费”的免责声明。所有类型的接收委员会还必须包括最高捐款者的免责声明，包括金额超过50,000美元（含，如有）的前三为捐款者。对于上面讨论的为政治目的筹集资金的接收委员会和要求根据LIFO披露捐款者的MPO而言，情况确实如此。支持或反对候选人的独立支出也必须包括“未经批准”的免责声明。

在当前规则下，所需的确切语言以及该语言的显示很大程度上取决于通讯的媒体。这些规则已成为过去三届立法会议每次的立法主题，并且同意是计划于2019年11月当前的主题之一。因此，我们建议您仔细阅读可从FPCC获得最新的免责声明表，并向FPCC或政治合规律师咨询所必需遵守的免责声明要求。

up-to-date disclaimer charts available from the FPPC and consult with the FPPC or a political compliance attorney as necessary to comply with disclaimer requirements.

Please visit the FPPC's webpage on ["Campaign Advertising -- Requirements and Restrictions."](#)

After the Election

LEFTOVER FUNDS

The general rule for spending leftover campaign funds is that the expenditure must be reasonably related to a political, legislative, or governmental purpose. Examples of permissible uses of leftover campaign funds include:

1. Return funds to contributors;
2. Donate remaining funds to a government body, such as a school district, or to a bona fide charitable organization;
3. Contribute the funds to another committee;
4. Host a "thank you" luncheon for ballot measure supporters; or
5. Keep the funds for use in a future ballot measure campaign (This may require amending the committee's Statement of Organization and changing its name; see below.)

TERMINATING THE COMMITTEE

A committee stays open until it is affirmatively terminated. However, as long as a committee remains open, it must continue to file campaign statements and pay the \$50 annual fee to the Secretary of State. A committee may choose to stay open after the election for a few reasons, such as:

1. The committee wants to support other ballot measures or candidates in a future election;
2. The committee has outstanding debts; or
3. The committee has leftover funds.

A committee primarily formed to support a ballot measure or a candidate (aka: a primarily formed committee) that remains open after the election to support or oppose other measures or candidates must amend the committee's Statement of Organization (Form 410) and, often, change its name to reflect the change in committee type, since it is no longer primarily formed to support or oppose the same measure or candidate. Please note the committee cannot change from primarily formed status until all campaign debts have been paid.

To avoid further ongoing filing obligations, most primarily formed committees therefore choose to **terminate** after the election. By contrast, general purpose committees, such as "issue committees" or PACs sponsored by a 501(c)(4) or union, usually remain open beyond a single election.

请访问FPPC的网页上的“[竞选广告--要求和限制](#)”。

选举之后

剩余资金

使用剩余竞选资金的一般规则是，使用必须与政治，立法或政府目的合理相关。剩余竞选资金的示例允许用途包括：

1. 将资金退还给捐助者；
2. 将剩余资金捐赠给学区等政府机构或合法的慈善组织；
3. 将资金捐给另一个委员会；
4. 为选票提案支持者举办“达谢”午餐会；或
5. 保留资金以用于将来的选票提案竞选活动（这可能需要修改委员会的组织声明并更名；见下文。）

终止委员会

在正式终止之前，委员会保持运营状态。但是，只要委员会保持运营状态，它就必须继续提交竞选声明，并向州务卿支付50美元的年费。出于某些原因，委员会可能选择在选举后保持运营，例如：

1. 委员会希望在将来的选举中支持其他选票提案或候选人；
2. 委员会尚有未尝债务；或
3. 委员会有剩余资金。

主要为支持选票提案而成立的委员会或在选举后仍支持或反对其他提案的候选人（又称主题委员会），或候选人必须修改委员会的组织声明（表格410），并且通常更改其名称以反映委员会类型的变化，因为它不再主要是为了支持或反对相同的提案或候选人。请注意，在偿还所有竞选债务之前，委员会无法从之前主题状态变更。

为了避免进一步的备案义务，大多数主题委员会因此选择在选举后终止。相比之下，由501(c)(4)或工会赞助的通用委员会，例如“议题委员会”或PAC，通常在一次选举后仍然保持运营。

A committee may terminate if:

1. It has filed all required campaign statements and paid its \$50 annual fees;
2. The committee has a \$0 balance on its last campaign statement;
3. It does not anticipate receiving further contributions or making further expenditures;
4. The committee is not expecting a refund of filing fees or ballot statement fees paid from committee funds.

Common Mistakes

Many violations of California campaign finance rules are unintentional. Most PRA violations are subject to strict liability, meaning that intent is not a factor in determining whether a violation occurred, but is only one of many mitigating or aggravating factors the FPPC may consider.

Even innocent mistakes can result in fines in the thousands of dollars. Below are some common mistakes to avoid.

FAILING TO REGISTER AS A COMMITTEE

Some groups begin to engage in campaign activity without considering the thresholds for registering as a committee. Failure to register as a campaign committee and file campaign statements can result in several costly violations. The exact fine amount is determined by the amount of contributions raised or expenditures made, so the longer a group engages in campaign activity without registering as a committee, the steeper the potential fine. Therefore, groups planning to engage in campaign activity in California at the state or local level should first become familiar with the committee registration thresholds before starting those activities.

FAILING TO PAY THE \$50 ANNUAL FEE

Often, a group will correctly register a committee and file timely campaign statements but forget to pay the \$50 annual fee to the California Secretary of State. Or they will file pay the fee once but never pay it again. All recipient committees must pay the \$50 fee annually, in addition to filing timely campaign statements.

FORGETTING TO TERMINATE THE COMMITTEE

After the election results are in, campaigns tend to focus on either celebrating victory or, in the case of defeat, moving on. Often, committees will forget to terminate the committee and stop filing campaign statements, despite having ongoing filing obligations. It is important to remember that, as long as a committee remains open, it must file campaign statements. To terminate, a committee must meet certain requirements, such as not having any leftover funds, and file a final campaign statement indicating its intent to terminate.

IMPROPER OR MISSING ADVERTISING DISCLAIMERS

The PRA requires campaign mailings and advertisements to include notices about who paid for the ad. These advertisement disclaimer rules apply to mass mailings (including e-mail blasts), paid telephone calls, radio and television ads, billboards, yard signs, and electronic media ads. See the

在下列情况下，委员会可以终止

1. 它已提交所有必要的竞选声明，并支付了50美元的年费；
2. 委员会在上次竞选声明中的余额为0美元；
3. 预计不会收到进一步的捐款或作出进一步的支出；
4. 委员会不会再有费用退还，如从委员会资金支付的备案费或选票声明费；

常见错误

许多违反加州竞选财务规则的行为都是非故意的。大多数PRA违规行为均应承担严格责任，这意味着其意图不是确定是否发生违规行为的因素，而只是FPPC可能考虑的许多减轻或加重处罚的因素之一。

即使是无意的错误也可能导致数千美元的罚款。以下是一些常见的须要避免的错误。

未能注册成为委员会

一些团体开始从事竞选活动，却没有考虑注册委员会的最低要求。未能注册为竞选委员会并提交竞选声明会导致几项代价高昂的违规行为。确切的罚款额取决于所筹集的捐款或支出的金额，因此，团体在未注册为委员会的情况下从事竞选活动的时间越长，潜在受到罚款的额度就越大。因此，计划在州一级或地方从事竞选活动的团体，在开始这些活动之前应首先熟悉委员会的注册最低要求。

未能支付50美元年费

一个团体时常会正确地注册一个委员会并及时提交竞选声明，但忘记向州务卿支付50美元的年费。或他们会提交一次费用，但之后不再支付。除了及时提交竞选声明外，所有接收委员会还必须每年支付\$50的费用。

忘记终止委员会

选举结果公布后，竞选活动往往会着重于庆祝胜利，或在失败的情况下转做其他。尽管有持续的备案义务，委员会通常会忘记终止委员会并停止备案竞选声明。请铭记，只要委员会保持运营，它就必须提交竞选声明。要终止，委员会必须满足某些要求，例如没有任何剩余资金，并提交最终竞选声明以表明其终止的意图。

不合适的或缺失的广告免责声明

PRA要求竞选活动的邮件和广告包含有关谁为广告付费的说明。这些广告免责声明规则适用于群发邮件（包括电子邮件），付费电话，广播和电视广告，广告牌，路边标识和电子媒体广告。看到广告系列免责声明规则的上述部分。

section above on Campaign Advertising Disclaimer Rules.

For detailed information about the specific advertising disclaimer requirements by ad and committee type, please visit the FPPC's Campaign Advertising Disclaimer Requirements [webpage](#).

Enforcement and Penalties

ENFORCEMENT

The FPPC's Enforcement Division analyzes and processes over 1,500 alleged violations of the PRA every year. Investigations stem from complaints and referrals from citizens, other government agencies, and the media. In addition, the Enforcement Division undertakes self-initiated investigations, and conducts both mandatory and discretionary campaign audits.

Common violations that the FPPC regularly enforces include:

1. Laundered campaign contributions;
2. Improper use of campaign funds;
3. False, inadequate, or inaccurate campaign statements;
4. Failure to file campaign statements; and
5. Anonymous campaign contributions, or cash contributions of \$100 or more.

While the PRA authorizes violations to be pursued via civil action or criminal prosecution, the vast majority of enforcement cases are resolved through the administrative enforcement process. Cases are usually resolved through the administrative process in one of four ways:

1. **Closure letter:** if there is insufficient evidence to prosecute or the allegation has been determined to be false.
2. **Advisory Letter:** when there is insufficient evidence to prosecute, but the person or organization being accused may need information about the PRA to ensure future compliance.
3. **Warning Letter:** where the seriousness of the offense and public harm are low, the FPPC writes a letter identifying the violation(s) that occurred, but it does not impose a fine.
4. **Fine:** In the cases of more serious violations, the FPPC performs a full investigation, prosecutes the case, and seeks penalties up to \$5,000 per violation, which must then be approved by the Commissioners. Most cases end through a settlement agreement.

PENALTIES

Violation of the PRA carries a maximum statutory penalty of \$5,000 per violation. A committee's treasurer and principal officer share joint liability for the committee's violations of the PRA. (Both the treasurer and principal officer are both held responsible for the violations.) See Cal. Govt. Code § 83116(c) and Cal. Govt. Code § 91006 for more information on these penalties.

A person with no prior history of violations might qualify for one of the FPPC's "streamlined programs" for non-compliance with major donor or late contribution filing requirements and

有关按广告和委员会类型划分的特定广告免责声明要求的详细信息，请访问FPPC的“广告系列广告免责声明要求”[网页](#)

执法与处罚

执法

FPPC的执法部门每年分析和处理超过1500起涉嫌违反PRA的行为。调查源于市民，其他政府机构和媒体的投诉和推举。此外，执法部门也会主动启动调查，并进行强制性和随机性的竞选审计。

FPPC经常实施的常见违规行为包括：

1. 竞选捐款洗钱；
2. 竞选资金使用不当；
3. 虚假，不充分或不正确的竞选言论；
4. 未能提交竞选声明；以及
5. 匿名竞选捐款，或超过100美元（含）的现金捐款。

尽管PRA允许通过民事诉讼或刑事诉讼来追究侵权行为，但绝大多数执法案件都是通过行政执法程序解决的。时常通过以下四种方式之一通过行政程序解决案件：

1. 终结信：如果没有足够的证据提起诉讼或已经确定所提出的指控为假。
2. 咨询意见信：当没有足够的证据起诉时，被指控的个人或组织可能需要有关PRA的信息，以确保将来的合规性。
3. 警告信：在违规的严重性和公共伤害较低的情况下，FPPC会发出一封信，指出所发生的违规情况，但不处以罚款。
4. 罚款：对于更为严重的违规情况，FPPC将进行全面调查，提起诉讼，并对每次违法行为处以最高至5,000美元的罚款，且必须由长官专员批准。大多数案件以和解协议结束。

罚款

违反PRA的最高法定罚款为单次违规\$ 5,000。委员会的财务主任和首席长官应对委员会违反PRA的行为承担连带责任。（财务主任和首席官员均应对违规行为负责。）有关这些处罚的更多信息，请参见加州法规§83116（c）和§91006。以前没有违规历史记录的人则可能有资格遵循FPPC的“精简计划”之一，因为它不符合主要捐助者或逾期捐款报告的要求，并且通常将受到较低额的罚款金额。

generally will be eligible for a lower fine amount.

For more information about the types of cases that qualify for the FPPC's Streamline Program, including the tiers of fines, please see the [FPPC's 2015 Streamline Memo](#).

STATUTE OF LIMITATIONS

Administrative matters must be prosecuted within five years from the date of the violation. See Cal. Govt. Code § 91000.5 for more information.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Fair Political Practices Commission

1102 Q Street, Suite 3000
Sacramento, CA 95811
Advice Line: (866) ASK-FPPC or (866) 275-3772
General Contact Line: (916) 322-5660
www.fppc.ca.gov

California Secretary of State

Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814
Phone: (916) 653-6224
<https://www.sos.ca.gov/campaign-lobbying/selected-campaign-financing-analyses/>

Kaufman Legal Group prepared an earlier version of the Campaign Finance and Ballot Measure Guide, which was revised by Melissa Mikesell, Esq. and published by the Alliance for Justice. This edition has been revised and updated in 2020 by Alliance for Justice and Lacey Keys, Esq., Olson Remcho LLP, 555 Capitol Mall, Suite 400, Sacramento, CA 95814.

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our hotline for one-on-one technical assistance:

Email: advocacy@afj.org
Telephone: 1-866-NPLOBBY (675-6229)



有关符合FPPC精简计划要求的案件类型的更多信息，包括罚款等级，请参阅[FPPC的2015年精简备忘录](#)。

追诉时效

自违规之日起五年内必须提起行政诉讼。更多信息请参见加州法规 § 91000.5。

州和地方机构联系方式

公平政治实践委员会

1102 Q Street, Suite 3000

Sacramento, CA 95811

Advice Line: (866) ASK-FPPC or (866) 275-3772

General Contact Line: (916)322-5660

www.fppc.ca.gov

加州州务卿

政治改革分部

1500 11th Street, Room 495

Sacramento, CA 95814

Phone: (916) 653-6224

<https://www.sos.ca.gov/campaign-lobbying/selected-campaign-financing-analyses/>

Kaufman法律集团编写了《竞选财务和投票指标指南》的较早版本，该指南已由Meliss Mikesell律师进行了修订。并由Alliance for Justice出版。这个版本已由Alliance for Justice和Lacey Keys（地址：Olson Remcho LLP, 555 Capitol Mall, Suite 400, Sacramento, CA 95814.）律师进行了修改和更新。

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更多协助

有关这些资源的帮助或有关联邦法律的更多信息，请联系我们的一对一技术支持热线：

Email: advocacy@afj.org

Telephone: 1-866-NPLOBBY (675-6229)



For assistance regarding state law in California, please contact Alliance for Justice or:

Olson Remcho LLP
555 Capitol Mall, Suite 400
Sacramento, CA 95814
916.442.2952 – phone
916.442.1280 – facsimile
www.olsonremcho.com



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如需有关加利福尼亚州法律的帮助，请联系Alliance for Justice，或：

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www.olsonremcho.com



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