



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Remke, Commissioners Audero, Casher, Wasserman, and Wynne
From: Hyla P. Wagner, General Counsel
Valentina Joyce, Commission Counsel
Subject: Regulation 18951 – Surplus Funds
Date: September 2, 2016

I. Background

The Political Reform Act¹ defines when campaign funds become “surplus” campaign funds, and provides the very specific purposes for which surplus funds may be used. (Section 89519.) Section 89519 was amended in 2014 (AB 800) to change the timing of when funds were considered surplus. The purpose of the legislative change was to give the former elected officials or candidates more time to determine what to do with their leftover campaign funds. As amended, Section 89519 provides that campaign funds of elected officials who leave office and candidates who have been defeated in an election become surplus campaign funds on the later of the 90th day after leaving office or the 90th day following the end of the postelection reporting period following defeat.

II. The Proposed Amendment

The proposed amendments conform the dates in Regulation 18951(a) to the dates in Section 89519, subdivision (a).

The proposed amendments similarly lengthen the time after a candidate’s death before campaign funds become surplus funds. (Regulation 18951(a)(3).) Currently, the regulation provides that when a candidate dies while in office or while running for office, the candidate’s campaign funds become surplus on the earlier of June 30 or December 31 following the candidate’s death. The proposed amendment provides that these funds become surplus on the 90th day after the end of the postelection reporting period following the candidate’s death.

III. Staff Recommendation

Staff recommends the Commission adopt the proposed amendment to Regulation 18951.

Attachment: Proposed Regulation 18951(Amendment)

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014, and all statutory references are to the Government Code. The regulations are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.