

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

§ 18951. Surplus Funds, Defined.

For purposes of Section 89519:

(a) Campaign funds under the control of a candidate or elected officer will be considered surplus campaign funds on the following dates:

(1) Incumbent Candidates: The 90th day after leaving an elective office for which the campaign funds were raised, or if the candidate is defeated for reelection, the 90th day after the end of the postelection reporting period following the candidate's defeat, whichever is later. An incumbent candidate who wishes to use funds for a future election must transfer those funds to a new committee for a future election no later than this date.

(2) Non-Incumbent Defeated and Withdrawn Candidates: The 90th day after the end of the postelection reporting period following the election in which the candidate was defeated or from which the candidate withdrew. A non-incumbent candidate who is defeated or withdraws from an election who wishes to use funds for a future election must transfer those funds to a new committee for a future election no later than this date.

(3) Deceased Candidates: Funds belonging to a candidate who dies while in office or while running for office will become surplus the 90th day after the end of the postelection reporting period following the candidate's death.

(b) The “end of the postelection reporting period” means June 30 with respect to elections occurring in the first six months of the calendar year and December 31 for elections occurring in the latter six months of the calendar year.

(c) Campaign funds are “raised” at the time the funds are received, as disclosed on the candidate's campaign statements pursuant to Regulation 18421.1.

(d) Except as provided by Section 85315 regarding elected state officer recall committees and elective city and county officer recall committees subject to the contribution limit in Section 85301(d), campaign funds raised by: (1) a committee, other than a candidate controlled committee; or (2) a candidate controlled ballot measure committee are not considered surplus funds for purposes of this section and are governed by Sections 89511 through 89518 and 89520 through 89522.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 85301, 85702.5 and 89519, Government Code.

HISTORY

1. New section filed 9-15-2003; operative 9-15-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 38). For prior history, see Register 95, No. 5.
2. Editorial correction of subsection (a)(1) (Register 2004, No. 29).
3. Amendment of subsections (a)(1)-(2) filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).
4. Amendment of section heading and section filed 10-18-2016; operative 11-17-2016. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 43).

5. Amendment of subsection (d) and amendment of Note filed 3-22-2021; operative 4-21-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 13).

6. Amendment of subsection (a)(1) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).