

San Bernardino County Campaign Finance Reform Ordinance Incumbent Candidate's Reelection Reporting Questions

I have a 2016 committee and plan to run for reelection in 2020. Do I need to file a Form 501 (Candidate Intention Statement) for the 2020 election?

Yes. Section 12.4305(d) of the San Bernardino Campaign Finance Reform Ordinance requires a separate controlled committee for each campaign account and states, “[a] candidate who is required to file a statement of organization for a controlled committee pursuant to Government Code Section 84101 shall establish a separate controlled committee and campaign bank account for each specific term of elective office identified in statements filed by the candidate pursuant to Government Code Section 85200. A controlled committee and campaign bank account established for a specific term of elective office may not be redesignated as a controlled committee and campaign account for a future election, even if the future election is for the same elective office.” Pursuant to Government Code Section 85200, a Candidate Intention Statement must be filed prior to the solicitation or receipt of any contribution or loan.

Do I need to file a new Form 410 (Statement of Organization) to establish a new 2020 campaign committee?

Yes. Under Government Code Section 84101 a Statement of Organization must be filed once the committee has received contributions totaling \$2,000 or more.

Will I receive a new committee identification number for this new committee?

Yes. Under Government Code Section 84101, the Secretary of State will assign a new committee identification number once the committee has submitted a Form 410.

I plan to transfer funds from my existing 2016 bank account into the new 2020 bank account. How do I account for the transfer of monies on the Form 460 to be filed for this new campaign account?

Under 12.4310(b) of the San Bernardino Ordinance, a candidate for County office may carryover contributions raised in connection with one election to County office to pay campaign expenditures incurred in connection with a subsequent election for the same County office. Funds transferred should be reported by the 2020 committee on Schedule I of the Form 460 as a miscellaneous increase in cash.

I plan to transfer funds from a controlled committee for state office into the new 2020 bank account. How do I report the transfer of funds on my new committee's Form 460?

Section 12.4310(a) of the San Bernardino Ordinance permits a candidate for an elected San Bernardino office to “transfer campaign funds from one controlled committee to a controlled committee for County office of the same candidate.” Paralleling Section 85306 of the Political Reform Act, “contributions transferred shall be attributed to specific contributors using a ‘last in, first out’ or ‘first in, first out’ accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits” set forth in the ordinance. FPPC Regulation 18536 provides the FPPC’s attribution rules, which are also applicable for committees subject to the San Bernardino Ordinance. Under Regulation 18536(d), the recipient committee must disclose on its Form 460 each attributed contribution of \$100 or more, providing the same information required by Government Code Section 84211(f) and (m) as disclosed on the campaign statement of the transferring committee or maintained in the transferring committee’s records.

Do I need to provide a termination Form 410 for my 2018 committee as soon as all outstanding checks have cleared the bank account and the account has been closed?

Neither the Government Code nor the San Bernardino Ordinance establishes a deadline to terminate a committee. However, to terminate campaign reporting requirements, it is advisable to terminate the committee once the account has been closed. The committee must file semi-annual statements and pay the \$50 annual fee until it terminates.

If I win my seat in the 2020 Primary Election, I plan to return all contributions received for the 2020 General Election. These contributions will be refunded from the account in which they were originally deposited. Is this correct?

San Bernardino Campaign Finance Ordinance permits accepting contributions for a general election during a primary but requires a candidate elected to office in a primary election to refund general election funds to “contributors on a pro rata basis less any expenses associated with the raising and administration of general election ... contributions.” Any refunds should be made from the 2020 committee.