



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
428 J Street • Suite 620 • Sacramento, CA 95814-2329  
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## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **September 15, 2016**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **September 13, 2016**.

### BACKGROUND/OVERVIEW

The Act provides that once campaign funds become “surplus” campaign funds, they can be used only for very specific purposes set forth in Section 89519(b). Section 89519, which defines when campaign funds become surplus campaign funds, was amended in 2014 (AB 800) to change these dates. As amended, Section 89519 provides that campaign funds of elected officials who leave office and candidates that have been defeated in an election become surplus campaign funds on the later of the 90<sup>th</sup> day after leaving office, or the 90<sup>th</sup> day following the end of the postelection reporting period following defeat. The proposed amendment conforms the dates in Regulation 18951(a) to the dates in Section 89519(a).

Also, the proposed amendment lengthens the time after a candidate’s death before campaign funds become surplus funds. (Regulation 18951(a)(3).)<sup>2</sup> Currently, 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 90<sup>th</sup> day after the end of the postelection reporting period following the candidate’s death.

### REGULATORY ACTION:

Amend 2 Cal. Code Regs. Section 18951

### SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

<sup>2</sup> In interpreting and implementing the Act’s surplus fund provisions, the Commission has included this provision which does not appear in the statute.

#### FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY:

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

#### REFERENCE:

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 89519

#### CONTACT:

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.