

Memorandum

To : Advice File: Section 84102
84211
84214

Date : Dec. 27, 1984

M-84-330

From : **FAIR POLITICAL PRACTICES COMMISSION**
Carla Wardlow

Subject: Applicability of Elections Code Section 12404--Disposition
of Surplus Campaign Funds

Elections Code Section 12404 states, in part:

Upon leaving any elective office, or at the end of the post election reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds under the control of a former candidate or officeholder or his or her controlled committee shall only be used or held for the following purposes:

Recently, I spoke with Gene Hill of the Attorney General's office and asked him if his office interprets Section 12404 as applying to all surplus campaign funds. He indicated that because it refers specifically to funds held by officeholders who are leaving office and defeated candidates, the restrictions set forth in Section 12404 apply only to those individuals. He has no problem with suggesting to persons not covered by the provisions that they may want to use 12404 as a guide when disposing of surplus funds.