

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

§ 18531. Return of Excessive Contributions.

(a) A committee may return a contribution, or a portion thereof, that exceeds an applicable contribution limit to the contributor within 14 days of receiving the contribution without violating the contribution limits set forth in Sections 85301, 85302, and 85303, so long as the committee does not:

(1) Deposit or allow deposit of the contribution with actual knowledge that the contribution exceeds the applicable limit.

(2) Make use of the contribution prior to returning it.

(b) For purposes of subdivision (a), a committee makes use of a monetary contribution if, after receiving the contribution, it makes expenditures exceeding what the committee's available cash balance would be had it not received the contribution and any other contributions that exceed the applicable contribution limit.

(c) A non-monetary contribution may be returned to the contributor within the deadline prescribed in subdivision (a) either in its original form, or in a monetary equivalent greater than or equal to the amount by which its value exceeds an applicable contribution limit.

(d) This regulation shall not be construed to authorize the making or solicitation of any contribution in excess of the contribution limits of Sections 85301, 85302 and 85303.

(e) Notwithstanding subdivisions (a) through (c), contributions to a committee, other than a candidate controlled committee, which are earmarked for purposes other than making contributions directly to candidates for elective office shall not be deemed in excess of limits and

need not be returned, provided the contributions are deposited to a separate account within the deadline prescribed in subdivision (a).

(f) A contribution returned, in whole or in part, under this regulation must be reported as a contribution in its entirety pursuant to Chapters 4 and 5 of the Act if the contribution is deposited in the committee's bank account. The amount returned must also be reported.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 85301, 85302 and 85303, Government Code.

HISTORY

1. New section filed 6-23-89; operative 6-23-89 (Register 89, No. 26).
2. Amendment of subsections (a), (b) and (d) and footnote filed 11-16-90; operative 12-26-90 (Register 91, No. 1).
3. Amendment filed 4-26-95; operative 4-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 17).
4. Amendment of subsections (a) and (a)(3)-(e), repealer of footnote and amendment of Note filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
5. Amendment of Note filed 5-26-98; operative 5-26-98. Submitted to OAL for printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, Linda Stockdale Brewer, Sacramento Superior Court, Case No. 51275 (1991) (Register 98, No. 22).
6. Amendment of section and Note filed 5-4-2001; operative 6-3-2001 (Register 2001, No. 18).
7. Editorial correction of subsection (b) (Register 2005, No. 38).
8. Amendment filed 5-5-2020; operative 6-4-2020 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 2020, No. 19).

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