

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

§ 18537.1. Carry Over of Contributions.

(a) For purposes of Section 85317 and this regulation, “carry over” refers to the movement of campaign funds to the candidate's controlled committee established for a subsequent election to the same elective state office or the same elective city or county office subject to the contribution limit in Section 85301(d), without attribution as required by Section 85306(a).

(b) Campaign funds are available to be “carried over” pursuant to Section 85317 and this regulation only if all of the following apply:

(1) The funds to be “carried over” are held in a campaign bank account/campaign committee established for an election to elective state office occurring on or after January 1, 2001, or for candidates for statewide elective office, for an election occurring on or after November 6, 2002, or for an elective city or county office subject to the contribution limit in Section 85301(d), for an election occurring on or after January 1, 2021;

(2) The campaign bank account/campaign committee that is holding the funds to be “carried over” was established for an election that has already been held; and

(3) The funds to be “carried over” are not considered “surplus campaign funds” as defined in Government Code section 89519.

(c) For the purposes of Section 85317, “subsequent election for the same elective state office” refers to:

(1) The election to the next term of office immediately following the election/term of office for which the funds were raised;

(2) The general election, which is subsequent to and for the same term of office as the primary election for which the funds were raised; or

(3) The special general election, which is subsequent to and for the same term of office as the special primary election for which the funds were raised.

(d) A candidate who establishes a campaign bank account for an election but does not file the necessary documents or otherwise fulfill the requirements of the Election Code to appear on the ballot in that election may not “carry over” campaign funds, but may transfer with attribution pursuant to Government Code section 85306 and consistent with Section 85318.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84214, 85200, 85201, 85301, 85306, 85316, 85317, 85318 and 85702.5, Government Code.

HISTORY

1. New section filed 4-19-2002; operative 5-19-2002 (Register 2002, No. 16).

2. Amendment of subsection (c) and new subsections (c)(1)-(d) filed 5-8-2006; operative 6-7-2006. 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 2006, No. 19).

3. Amendment of subsection (d) and Note filed 12-18-2006; operative 1-17-2007. 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) (Register 2006, No. 51).

4. Amendment of section and 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).