

1 Adopt 2 Cal. Code Regs., Section 18404.3 to read:

2 **§ 18404.3. Reopening a Terminated Section 82013(a) Committee.**

3 (a) Restrictions. A reopened committee is subject to all contribution and expenditure  
4 limitations and termination requirements that applied to the terminated committee at the time of  
5 termination.

6 (b) Reopening with the Secretary of State's Office. Committees terminated under  
7 Regulation 18404.1(a) that are not listed in Regulation 18404.1(b) or (c) may reopen with the  
8 Secretary of State's Office using the same committee name and number, provided both of the  
9 following are met:

10 (1) The reopening committee includes the terminated committee's controlling candidate  
11 or a principal officer of the terminated committee.

12 (2) The reopening is filed pursuant to Section 84103(a) and verified by the committee's  
13 current treasurer as required under Section 81004(b).

14 (c) Reopening by Permission from the Commission. Committees listed in Regulation  
15 18404.1(b) or (c) may reopen for a limited time period and only if granted permission by the  
16 Commission. The Commission delegates this authority to the Commission's Executive Director  
17 or the Executive Director's designee.

18 (1) A committee listed in Regulation 18404.1(b) or (c) may submit a request to the  
19 Executive Director to be reopened for good cause and in order to further the disclosure  
20 requirements or contribution limits applicable to the committee.

21 (2) The request must state the committee's purpose for the request, include evidence of  
22 good cause, and establish:

1       (A) The committee’s lack of knowledge of the payment, refund, expense, or fine prior to  
2 termination; or

3       (B) That the reopening is to receive a return or reimbursement for a security expense  
4 under Section 89517.5(c)(2)(B) that exceeds \$10,000 in value.

5       (3) Acceptable purposes for reopening may include the following:

6       (A) To receive a payment or refund unknown at termination.

7       (B) To accept a return or receive reimbursement for a security expense required under  
8 Section 89517.5(c)(2)(B).

9       (C) To pay a debt unknown at termination, including:

10       (i) To pay a fine as permitted under Section 89513(c);

11       (ii) To pay expenses incurred in connection with an audit or investigation of the  
12 committee under this title;

13       (iii) To pay litigation expenses as permitted under Sections 89513 and 89514, other than  
14 expenses subject to Section 85304 and Regulation 18530.4;

15       (iv) To return public money received by the committee for the purpose of seeking  
16 elective office from a dedicated fund pursuant to Section 85300.

17       (4) The process for consideration is as follows:

18       (A) The Executive Director shall notify the committee within 15 days in writing of the  
19 reason for the denial, or, if approving, the purpose for reopening the committee, and specify the  
20 required date for termination. If a date is not stated, the committee must terminate pursuant to the  
21 requirements of Regulations 18404.1 within 30 days of the date the specified purpose(s) for  
22 which the committee was reopened cease to exist. Any request for additional time must be made

1 in accordance with the requirements in Regulation 18404.1(d) prior to the reopened committee's  
2 required termination date.

3 (B) All requests and responses will be posted on the Commission's website.

4 (C) Within 20 days of notification, the committee may request that the Commission  
5 reconsider the Executive Director's decision. The Chair will review the request and schedule the  
6 matter for consideration by the Commission if, in the Chair's discretion, good cause exists for  
7 reconsideration.

8 (5) Contributions received and expenditures made by a committee reopened under this  
9 subdivision must be for the specific purpose(s) permitted by the Executive Director. These  
10 contributions or expenditures are subject to the limits applicable to the election for which the  
11 committee was originally formed, including the post-election fundraising limitations in Section  
12 85316(a) and Regulations 18531.6, 18531.61, 18531.63, 18531.64, and 18536, and must be  
13 made in compliance with Sections 89510-89519.5.

14 (6) Filing Procedures for Reopening. In order for the committee's reopening to be  
15 effective, the committee must follow the procedures set forth in subdivision (b) and provide the  
16 Secretary of State's office with the Executive Director's written authorization granting the  
17 reopening of the committee.

18 Note: Authority cited: Section 83112, Government Code. Reference: Sections 81004,  
19 84103, 84214, 84215, 85300, and 89510-89519 Government Code.