



# California Fair Political Practices Commission

November 21, 1991

Anthony Mastrantonio  
Treasurer, Santana for Supervisor  
405 Humboldt Way  
Livermore, CA 94550

Re: Your Request for Advice  
Our File No. A-91-491

Dear Mr. Mastrantonio:

You have requested advice concerning the campaign provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTIONS

1. What are the permissible uses of campaign funds following the death of an officeholder?
2. What are the guidelines for terminating the committee?

## CONCLUSIONS

1. Surplus funds must be disposed of in accordance with Section 89519.
2. The Act's requirements for termination of a committee are contained in Regulation 18404 and are described in the Analysis, below.

## FACTS

You are the treasurer of the Santana for Supervisor Committee. On April 15, 1991, Alameda County Supervisor Charles Santana died. You are seeking guidance regarding the permissible uses of approximately \$30,000 in remaining campaign funds and information regarding how to terminate the committee.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

The funds remaining in the Santana for Supervisor campaign account are now surplus funds and subject to the restrictions found in Section 89519, which sets forth the following:

Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100) and shall be used only for the following purposes:

(a) The payment of outstanding campaign debts or elected officer's expenses.

(b) The pro rata repayment of contributions.

(c) Donations to any bona fide charitable, educational, civic, religious or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

(d) Contributions to a political party or committee so long as the funds are not used to make contributions in support of or opposition to a candidate for elective office.

(e) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

Regulation 18404 sets out the requirements for terminating a committee. A committee may terminate as long as all of the following criteria are met:

(1) The committee has ceased to receive contributions and make expenditures and does not anticipate receiving contributions or making expenditures in the future;

(2) The committee has eliminated or has declared that it has no intention or ability to discharge all of its debts, loans received and other obligations;

(3) The committee has no surplus funds; and

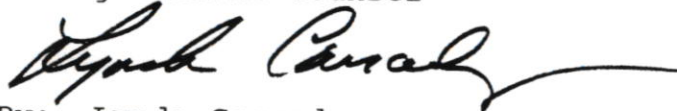
(4) The committee has filed all required campaign statements disclosing all reportable transactions.

When all of the above criteria have been satisfied, the committee may terminate by filing an original Statement of Termination (Form 415) with the Secretary of State. The local filing officer also must receive a Form 415 with the final campaign disclosure statement (Form 490). In addition, when the campaign bank account has been closed, please terminate Mr. Santana's Candidate Intention and Campaign Bank Account notices using the enclosed Forms 501 and 502. Each filing officer should receive an accompanying letter indicating that Supervisor Santana is deceased.

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Scott Hallabrin  
Acting General Counsel



By: Lynda Cassady  
Political Reform Consultant

Enclosure