



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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(916) 322-5660 • Fax (916) 322-0886

January 28, 2020

Rafael Menis
1150 Hazel St
Pinole CA 94564

Re: Your Request for Informal Assistance
Our File No. I-20-007

Dear Mr. Menis:

This letter responds to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹ Because your questions are general in nature, we are treating your inquiry as a request for informal assistance.²

Please note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

May leftover campaign signs and business cards be used in another election if the committee was terminated with surplus funds by reporting them as an in-kind contribution to a new committee?

CONCLUSION

A committee may reuse leftover campaign yard signs and business cards for another election so long as they were purchased by the prior committee with the intention of being used in the previous campaign (i.e., they include candidate and committee information from previous campaign) and are reported as an in-kind contribution to the new committee.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

FACTS AS PRESENTED BY REQUESTER

You were a candidate and had a campaign committee that was terminated with surplus funds in 2019. You have now opened a new committee and are seeking advice on whether you may reuse leftover campaign yard signs and business cards from your terminated committee for your new committee. You would like to know if it is permissible to give these leftover campaign materials as an in-kind contribution to your new committee or if the leftover materials are also considered surplus.

ANALYSIS

Sections 84307 and 89510 provide that campaign funds do not become the personal property of the candidate. Campaign funds include any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013. (Section 89511.) You provided that your committee had leftover campaign signs and business cards at time the committee terminated.

Although it is likely the campaign yard signs and business cards originally purchased for the committee had a fair market value at the time they were purchased, it is unlikely the campaign signs and business cards had a value after the election ended, as they cannot be returned or used again for another purpose other than for your election campaign. Thus, the value after the election of leftover yard signs and business cards would be de minimis in the case that the yard signs are made of the traditional cardstock and wooden or metal wire posts and were printed only for the use of your campaign.

However, now that you have opened a new committee and are seeking to reuse the leftover campaign yard signs and business cards for another election, the campaign signs and business cards now have a value. Accordingly, the campaign yard signs and business cards may be reused and must be reported as an in-kind contribution to the new committee by the prior committee. However, the yard signs and business cards must have been intended for use by the prior committee, purchased for the sole purpose of using them in the prior campaign, and must include candidate and committee information from previous campaign. The in-kind contribution value would be the purchase price of the yard signs and business cards at the time they were initially purchased by the prior committee.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Dave Bainbridge
General Counsel



By: Katelyn Greene
Counsel, Legal Division

KG:sal