

1 Amend 2 Cal. Code Regs. Section 18531 to read:

2 **§ 18531. Return of Excessive Contributions.**

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

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

9 (2) Make use of the contribution prior to returning it. ~~Contributions which either in the~~
10 ~~aggregate or on their face exceed the contribution limits of Government Code Sections 85301,~~
11 ~~85302 and 85303 shall be deemed not to have been accepted within the meaning of that~~
12 ~~provision, if returned pursuant to this section.~~

13 (b) For purposes of subdivision (a), a committee makes use of a monetary contribution if,
14 after receiving the contribution, it makes expenditures exceeding what the committee's available
15 cash balance would be had it not received the contribution that exceeds the applicable
16 contribution limit. ~~A monetary contribution shall be returned prior to deposit or negotiation,~~
17 ~~within 14 days of receipt.~~

18 (c) A non-monetary contribution ~~shall~~ may be returned to the contributor within the
19 deadline prescribed in subdivision (a) either in its original form, or in a monetary equivalent
20 greater than or equal to the amount by which its value exceeds an applicable contribution limit.
21 ~~by returning to the contributor, within the deadline specified in subdivision (b) any of the~~
22 ~~following:~~

23 (1) ~~The non-monetary contribution.~~

1 ~~(2) Its monetary equivalent.~~

2 ~~(3) The monetary amount by which the value of the non-monetary contribution exceeds~~
3 ~~the contribution limits of Government Code Sections 85301, 85302 and 85303.~~

4 (d) This regulation shall not be construed to authorize the making or solicitation of any
5 contribution in excess of the contribution limits of ~~Government Code~~ Sections 85301, 85302 and
6 85303.

7 (e) Notwithstanding ~~subsections~~ subdivisions (a) through (c), contributions to a
8 committee, other than a candidate controlled committee, which are earmarked for purposes other
9 than making contributions directly to candidates for elective office shall not be deemed in excess
10 of limits and need not be returned, provided the contributions are deposited to a separate account
11 within the deadline prescribed in ~~subsection (b)~~ subdivision (a).

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

15 Note: Authority cited: Section 83112, Government Code. Reference: Sections 85301, 85302 and
16 85303, Government Code.