

### **Option 3: Return of Contributions**

1 Amend 2 Cal. Code Regs. Section 18537.1 to read:

2 **§ 18537.1. Carry Over of Contributions.**

3 (a) For purposes of Section 85317 and this regulation, “carry over” refers to the  
4 movement of campaign funds to the candidate's controlled committee established for a  
5 subsequent election to the same elective state office or the same elective city or county office  
6 subject to the contribution limit in Section 85301(d), without attribution as required by Section  
7 85306(a).

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

10 (1) The funds to be “carried over” are held in a campaign bank account/campaign  
11 committee established for an election to elective state office occurring on or after January 1,  
12 2001, or for candidates for statewide elective office, for an election occurring on or after  
13 November 6, 2002, or for an elective city or county office subject to the contribution limit in  
14 Section 85301(d), for an election occurring on or after January 1, 2021;

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

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

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

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

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

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

5           (d) If a candidate receives a majority of the votes cast for an office at the primary  
6 election, so that the candidate is elected to the office without advancing to the general election,  
7 the remaining campaign funds may be transferred to a committee for a subsequent election to the  
8 same office without attribution, while funds raised for the general election must be refunded  
9 under Section 85318 and Regulation 18531.2.

10          ~~(d)~~ (e) A candidate who establishes a campaign bank account for an election but does not  
11 file the necessary documents or otherwise fulfill the requirements of the Election Code to appear  
12 on the ballot in that election may not “carry over” campaign funds, but may transfer with  
13 attribution pursuant to Government Code sSection 85306 and consistent with Section 85318.  
14 Note: Authority cited: Section 83112, Government Code. Reference: Sections 84214, 85200,  
15 85201, 85301, 85306, 85316, 85317, 85318 and 85702.5, Government Code