

1 Amend 2 Cal. Code Regs., Section 18536 to read:

2 **§ 18536. Transfer and Attribution of Contributions.**

3 For purposes of ~~Government Code section~~ Section 85306:

4 (a) A committee transferring funds must designate in its records at the time of its first  
5 transfer whether it elects the "first in, first out" or a "last in, first out" method of accounting for  
6 the current and future transfers. That designation is irrevocable.

7 (1) "First in, first out" means that campaign funds being transferred are attributed to the  
8 transferring committee's contributors in chronological order beginning with the earliest of its  
9 contributors or, if there has been a prior transfer, beginning with the earliest contributor for  
10 which unattributed contributions remain.

11 (2) "Last in, first out" means that campaign funds being transferred are attributed to the  
12 transferring committee's contributors in reverse chronological order beginning with the most  
13 recent of its contributors or, if there has been a prior transfer, beginning with the most recent  
14 contributor for which unattributed contributions remain.

15 (3) Campaign funds shall be attributed to contributors in the lesser of the following  
16 amounts:

17 (A) The actual amount of the original contribution from the person to whom the  
18 campaign funds are being attributed;

19 (B) The applicable contribution limit under ~~Government Code section~~ Section 85301 or  
20 85302; or

21 (C) The amount of campaign funds the committee is seeking to transfer that has not yet  
22 been attributed.

23 (b) Except as provided in subdivisions (b) and (c) of ~~Government Code section~~ Section

1 85306, campaign funds transferred, when aggregated with all other transfers attributable to, and  
2 contributions from, the same contributor, may not exceed the contribution limits applicable to the  
3 candidate at the time of the transfer. Campaign funds attributed to a contributor who is a candidate  
4 for elective state office or a candidate for an elective city or county office subject to the  
5 contribution limit in Section 85301(d) at the time of the transfer, when aggregated with all other  
6 contributions from that contributor, may not exceed the amount provided in subdivision (a) of  
7 ~~Government Code section~~ Section 85301.

8 (c) The committee transferring the funds shall maintain records that identify the specific  
9 contributors to whom any transferred contributions have been attributed. If the transferring  
10 committee no longer is required by ~~Government Code section~~ Section 84104 to maintain  
11 detailed records, the receiving committee shall maintain either:

12 (1) Such records from the transferring committee as are sufficient, pursuant to paragraphs  
13 (1), (5) and (6) of subdivision (f) of ~~Government Code section~~ Section 84211, to confirm the  
14 identity of the original contributors to whom transfers are being attributed; or

15 (2) Copies of the transferring committee's original verified and filed campaign reports  
16 that show the original contribution received from each contributor to whom a transferred  
17 contribution is attributed.

18 (d) A committee receiving transferred funds must disclose on its campaign statements  
19 each attributed contribution of one hundred dollars (\$100) or more, providing the same  
20 information required by subdivision (f) and, if applicable, subdivision (m) of ~~Government Code~~  
21 ~~section~~ Section 84211 as disclosed on the campaign statement on which the contribution was  
22 originally reported or as contained in the committee's records at the time of the transfer.

23 (e) Transfers made prior to a primary election, when aggregated with all other transfers

1 attributable to, and contributions from, the same contributor, may include amounts that could  
2 have been raised for the general election pursuant to ~~Government Code section~~ Section 85318,  
3 provided the receiving committee complies with the requirements of this section.

4 (f) A candidate or committee that receives a contribution which, when aggregated with  
5 contributions attributed to the same contributor, would otherwise constitute a violation of  
6 ~~Government Code section~~ Section 85301 or 85302, shall not be in violation of either of those  
7 sections provided the contribution is returned pursuant to ~~2 Cal. Code Regs. sections~~  
8 Regulation 18531.

9 (g) A contributor that makes a contribution which, when aggregated with contributions  
10 attributed to the same contributor, would otherwise be in violation of ~~Government Code section~~  
11 Section 85301 or 85302, shall not be in violation of either of those sections unless the  
12 contributor was aware of the attribution at the time the contribution was made.

13 (h) This regulation does not apply to a candidate for statewide elective office, or the  
14 candidate's controlled committee for that office, in an election held before November 6, 2002.  
15 This regulation applies on and after November 6, 2002, to a candidate for statewide elective  
16 office, and the candidate's controlled committee for that office, in an election held on or after  
17 November 6, 2002.

18 (i) This regulation applies to a candidate for an elective city or county office subject to  
19 the contribution limit of Section 85301(d) or the candidate's controlled committee for that  
20 office, in an election held on and after January 1, 2021.

21 Note: Authority cited: Section 83112, Government Code. Reference: Sections 85200, 85301,  
22 85305, 85306, ~~and~~ 85318, and 85702.5, Government Code.