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SB-948 Political Reform Act of 1974: contribution limitations. (2023-2024)

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Senate Bill No. 948

CHAPTER 125

An act to amend Sections 85317 and 85318 of the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 948, Limón. Political Reform Act of 1974: contribution limitations.

(1) The Political Reform Act of 1974 authorizes a candidate for elective state, county, or city office to raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same office under specified conditions. If the candidate is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the act requires the candidate to refund the general election or special general election funds, as specified.

This bill would clarify that a candidate who does not file a declaration of candidacy to qualify for a primary election or special primary election is not subject to these requirements to refund the general election or special general election contributions, and that such a candidate may transfer these funds to a committee for the same or a different office as specified.

(2) The act authorizes a candidate to transfer campaign funds from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate, provided that the contributions transferred are attributed to specific contributors. Notwithstanding that provision, the act authorizes a candidate for elective state, county, or city office to carry over contributions raised in connection with one election to pay campaign expenditures incurred in connection with a subsequent election for the same elective office.

This bill would permit a candidate who receives a majority of the votes cast for an office at a primary election, such that the candidate is elected to the office without advancing to the general election, to carry over funds raised for the primary election to a committee for any subsequent election to the same office without attributing funds to specific contributors. The bill would also specify that, in that same scenario, a candidate who raises funds for the general election may transfer those funds to a committee for any subsequent election, but that the candidate must attribute those funds to specific contributors pursuant to the requirements of existing law.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 85317 of the Government Code is amended to read:

85317. (a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state, county, or city office may carry over contributions raised in connection with one election for elective state, county, or city office to pay campaign expenditures incurred in connection with any subsequent election for the same elective state, county, or city office.

(b) If a candidate receives a majority of the votes cast for an office at a primary election, so that the candidate is elected to the office without advancing to the general election, both of the following apply:

(1) The remaining campaign funds raised for the primary election may be carried over to a committee for any subsequent election to the same office without attributing funds to specific contributors.

(2) Funds raised for the general election may be transferred to a committee for any subsequent election, but shall be attributed to specific contributors as provided in Section 85306.

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

SEC. 2. Section 85318 of the Government Code is amended to read:

85318. (a) (1) A candidate for elective state, county, or city office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state, county, or city office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state, county, or city office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions.

(2) A candidate who does not file a declaration of candidacy to qualify for a primary election or special primary election is not “defeated in the primary election or special primary election” and does not “otherwise withdraw from the general election or special general election” for the purposes of paragraph (1), and shall not be required to refund contributions pursuant to that paragraph. A candidate who does not file a declaration of candidacy to qualify for a primary election or special primary election may transfer funds to a committee established for the same or a different office subject to the attribution rules provided by subdivision (a) of Section 85306.

(3) Notwithstanding Section 85201, candidates for elective state, county, or city office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

SEC. 3. The amendment of Section 85318 of the Government Code made by this act does not constitute a change in, but is declaratory of, existing law.

SEC. 4. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.