

CHAPTER 8 – AFTER THE ELECTION

Even after an election is over, you continue to have responsibilities and legal obligations.

A. FUNDRAISING AND EXPENDITURES

1. FUNDRAISING

You may receive contributions up to 12 months after the date of the general election. LAMC § 49.7.10(C).

- a. **Contribution limits continue to apply.** See Section 3.D for more information.
- b. **Contributions solicited or received after the election may only be used for certain purposes.** These purposes are limited to retiring campaign debt incurred for that election or paying the campaign compliance, fundraising, or inauguration expenses for that election. LAMC § 49.7.10(C).

2. EXPENDITURE CEILING

The expenditure ceiling continues to apply for matching funds participants (unless the Ethics Commission has notified you that they have been lifted). Restrictions on repaying personal loans apply after an election. Please see Chapter 5 for more information on both the expenditure ceiling and personal loans.

B. ADVANCING TO THE GENERAL ELECTION

Candidates who proceed to the general runoff election must take the following steps:

1. FORM A NEW COMMITTEE FOR THE GENERAL ELECTION

- a. **File a California Form 410.**
 - The original plus one copy with the Secretary of State's office; and
 - A copy with the Ethics Commission.
- b. **Use a different name for your general committee that includes the term "runoff" or "general."**
- c. **You do not have to terminate your primary election committee.** If you do not terminate your primary committee, you may not use it for the general election.

2. OPEN A NEW CHECKING ACCOUNT FOR THE GENERAL COMMITTEE

- a. **Include the new checking account information on the Form 410 for your general committee.** If you do not have a new checking account when you file your original Form 410, you must amend it with the bank information within ten days of when you have it.
- b. **File a Form 14 with the Ethics Commission within 10 calendar days of opening the checking account for your general election committee.** You do not have to close your primary election checking account. However, you are responsible for maintaining adequate documentation to show that expenditures for the primary

election are made from the primary checking account and expenditures for the general election are made from the general checking account.

3. FILE A NEW FORM 12 FOR YOUR GENERAL COMMITTEE

The Form 12 you filed for the primary election is automatically void after the primary election occurs. Charter § 470(c)(1).

4. FILE A NEW FORM 16 FOR YOUR GENERAL COMMITTEE

The new Form 16 must be filed concurrently with the new Form 12.

5. FILE REQUIRED CAMPAIGN DISCLOSURE STATEMENTS

These statements must be filed for all of your controlled committees (e.g., primary election committee, general election committee, state committees, etc.).

C. CANDIDATES ELECTED TO OFFICE

1. REMAINING CAMPAIGN FUNDS

Campaign funds remaining in your campaign checking account (excluding surplus matching funds) may be used as follows:

- Retire campaign debt for the election.
- Pay compliance, fundraising, or certain inauguration expenses for the campaign.
- Return contributions to contributors.

You may not repay more than \$34,800 toward loans you made from personal funds to your committee.

2. OFFICEHOLDER COMMITTEES

Once the City Clerk has certified the election results, you may establish an officeholder committee. LAMC §§ 49.7.2(H), 49.7.19. An officeholder committee may accept contributions similar to a campaign committee, but officeholder funds may be used only for expenditures associated with holding office and are limited to specific types of expenditures, such as staff compensation and office equipment. LAMC § 49.7.19(D).

If you elect to have an officeholder committee, you must redesignate your City campaign committee for that purpose. If you have both a primary and general committee, you must choose one to redesignate as your officeholder committee. You are responsible for maintaining separate account records for campaign and officeholder purposes once the officeholder committee is created. The campaign committee's California Form 410 must be amended with a new name, so that it is clear that the committee is to be used for officeholder purposes.

Certain amounts of campaign funds may be transferred to your officeholder committee after campaign debts are retired and surplus matching funds are returned. The maximum transfer may not exceed \$104,000 during a fiscal year (LAMC §§ 49.7.19(G)(2), (H)(2)).

Similarly, the total outstanding balance of your officeholder committee may not exceed \$104,000 during a fiscal year (LAMC §§ 49.7.19(G)(3), (H)(3)).

D. TERMINATING YOUR COMMITTEE

Your campaign committee may be terminated after an election once you have done all of the following (Cal. Gov't Code § 84214; 2 CCR § 18404):

1. RETURN SURPLUS MATCHING FUNDS

Surplus matching funds must be returned to the Public Matching Funds Trust Fund within 90 days after the election (or within 10 days after withdrawing from the election). LAAC § 24.36(b).

2. ZERO OUT YOUR COMMITTEE'S CASH BALANCE

Your committee must have a zero ending cash balance on its final California Form 460.

a. **Dispose of remaining campaign funds.** You may dispose of them as follows:

- Retire campaign debt for the election.
- Pay compliance, fundraising, or certain inauguration expenses for the campaign.
- Return contributions to contributors.

b. **Stop receiving contributions or making expenditures through your committee.**

c. **Eliminate all your debts** or declare that you have no intention or ability to discharge all your debts and have obtained a signed, bona fide business write-off declaration from your affected vendors.

3. FILE THE FOLLOWING DOCUMENTS

a. **All required campaign statements** disclosing all reportable transactions, including the disposition of funds.

b. **California Form 410.**

- File the original and one copy with the Secretary of State.
- File a copy with the Ethics Commission.

c. **"Termination Statement" (California Form 460).** An original must be filed with the Ethics Commission.