

CHAPTER 6 – AFTER THE ELECTION

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

A. FUNDRAISING

You may receive contributions up to nine months after the date of the general election. Charter § 803(q).

- 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 to retire campaign debt incurred for that election.** Charter § 803(q).

B. ADVANCING TO THE GENERAL ELECTION

If you proceed to the general runoff election, you 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 must be filed with the Secretary of State's office, and a copy must be filed 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 committee.** However, you may not use your primary committee 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 § 803(b)(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 committee, general committee, state committees, etc.).

C. CANDIDATES ELECTED TO OFFICE

Campaign funds remaining in your campaign checking account after your election to office may only be used to retire campaign debt for that election. Charter § 803(q).

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. ZERO OUT YOUR COMMITTEE'S CASH BALANCE

Your committee must have a zero ending cash balance on its final (termination) Form 460.

- a. **Dispose of remaining campaign funds.** You may dispose of them in any of the ways described in 2 CCR § 89519, including:
 - Retire campaign debt for the election.
 - Return contributions to contributors.
 - Donate to a bona fide charitable, educational, or similar tax-exempt non-profit organization.
- 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. This declaration must be made under penalty of perjury on Form 460. 2 CCR § 18404(b)(2).

2. FILE THE FOLLOWING DOCUMENTS

- a. **All required campaign statements** disclosing all reportable transactions, including the disposition of funds.
- b. **Form 410.**
 - Mark the box labeled "Termination."
 - File the original and one copy with the Secretary of State.
 - File a copy with the Ethics Commission.
- c. **"Termination Statement" (Form 460).** An original must be filed with the Ethics Commission.