

HULL MCGUIRE PC
ATTORNEYS

e-mail: jdhull@hullmcguire.com

1350 Columbia Street
The Scott Building, 6th Floor
San Diego, CA 92101 USA
619-239-9400 Phone
619-239-9661 Fax
www.hullmcguire.com

NOTE and DISCLAIMER: Campaign contribution laws are complex, differ among jurisdictions and change relatively often. Court challenges to the laws are common. The basic reference information contained in these 8 pages is not intended to constitute and should not be construed as legal, business or accounting advice under any circumstances.

**ELECTION 2008: SUMMARY OF CAMPAIGN CONTRIBUTION LIMITS UNDER
FEDERAL, CALIFORNIA STATE, SAN DIEGO COUNTY, AND SAN DIEGO CITY LAWS
Created May 2002; Last Revised July 30, 2008**

A. Federal Contribution Limitations

	To a candidate or his or her political committee ¹ or agents per election ²	To political committees established and maintained by the national political party ³ per calendar year	To any other political committee per calendar year ⁴	Bi-annual limitations ⁵
Persons ⁶ , other than a multi-candidate committee, may contribute no more than -	\$2,300* 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1)	\$28,500** 2 U.S.C. § 441a(a)(1)(B); 11 C.F.R. § 110.1(c)(1)	\$5,000*** SEE NOTES THAT FOLLOW 2 U.S.C. § 441a(a)(1)(C); 11 C.F.R. § 110.1(d)	\$108,200 for individuals**** 2 U.S.C. § 441a(a)(3), 11 C.F.R. § 110.5(b)(1)
Multi-candidate committee ⁷ may contribute no more than -	\$5,000 2 U.S.C. § 441a(a)(2)(A); 11 C.F.R. § 110.2(b)(1)	\$15,000 2 U.S.C. § 441a(a)(2)(B); 11 C.F.R. § 110.2(c)(1)	\$5,000 2 U.S.C. § 441a(a)(2)(C); 11 C.F.R. § 110.2(d)	No limit

B. California State Contribution Limitations

	To a candidate for elective state office other than a candidate for statewide elective office per election	To a candidate for statewide elective office ⁸ other than a candidate for Governor per election	A candidate for Governor per election
Persons ⁹ other than a small contributor committee or political party committee may contribute no more than -	\$3,600* CA Government Code § 85301(a), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(1)	\$6,000* CA Government Code § 85301(b), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(2)	\$24,100* CA Government Code § 85301(c), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(3)
Small contributor committee ¹⁰ may contribute no more than -	\$7,200* CA Government Code § 85302(a), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(4)	\$12,100* CA Government Code § 85302(b), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(5)	\$24,100* CA Government Code § 85302(c), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(6)

	To a committee ¹¹ other than a political party committee per calendar year for candidates for elective state office	To a political party committee ¹² per calendar year for purpose of making contributions for support or defeat of candidates for elective state office
Persons ⁹ may contribute no more than -	\$6,000* CA Government Code § 85303(a), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(7)	\$30,200* CA Government Code § 85303(b), as updated by 2 C.C.R. § 18535 and 2 C.C.R. § 18545(a)(8)

	To candidates
Political party committee ¹² may contribute no more than -	No limitations*

C. San Diego County Contribution Limitations

	To a candidate or committee supporting or opposing such candidate with respect to a single election
No person shall contribute more than -	\$500 San Diego County Code of Regulatory Ordinances § 32.923(a)

D. City of San Diego Contribution Limitations

	To a candidate or committee ¹³ supporting or opposing such candidate with respect to a single election
No individual shall contribute more than -	\$270* for City Council District Office \$320* for Mayor or City Attorney San Diego Municipal Code § 27.2935(a)

ENDNOTES

¹ A "political committee" means any group meeting one of the following conditions:

(a) Except as provided in 11 C.F.R. § 100.5(b), (c) and (d), any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year is a political committee.

(b) Any separate segregated fund established under 2 U.S.C. § 441b(b)(2)(C) is a political committee.

(c) Any local committee of a political party is a political committee if: it receives contributions aggregating in excess of \$5,000 during a calendar year; it makes payments exempted from the definition of contribution, under 11 C.F.R. §§ 100.80, 100.87, and 100.89, and expenditure, under 11 C.F.R. §§ 100.140, 100.147, and 100.149, which payments aggregate in excess of \$5,000 during a calendar year; or it makes contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year.

(d) An individual's principal campaign committee or authorized committee(s) becomes a political committee(s) when that individual becomes a candidate pursuant to 11 C.F.R. § 100.3. 11 C.F.R. § 100.5.

² The limitations on contributions apply separately to primary elections and general elections. However, all primaries held in a calendar year for the office of President of the United States are considered to be one election. 11 C.F.R. § 100.2 and § 110.1(j)(1).

³ “Political committees established and maintained by a national political party” means:

- (i) The national committee;
- (ii) The House campaign committee; and
- (iii) The Senate campaign committee

11 C.F.R. § 110.1(c)(2).

⁴ There is an exception if a contributor gives to a committee knowing that a substantial portion of the contribution will be used to support a particular candidate. Then the contribution counts against the donor’s limit for that candidate (see first column of chart).

⁵ Bi-annual limitations apply to “the two-year period beginning on January 1 of an odd-numbered year and ending on December 31 of the next even-numbered year.” 11 C.F.R. § 110.5(b)(1).

⁶ A “person” means “an individual, partnership, committee, association, corporation, labor organization, and any other organization, or group of persons, but does not include the Federal government or any authority of the Federal government.” 11 C.F.R. § 100.10.

⁷ A “multi-candidate committee” means “a political committee which (i) has been registered with the Commission or Secretary of the Senate for at least 6 months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) (except for any State political party organization) has made contributions to 5 or more Federal candidates.” 11 C.F.R. § 100.5(e)(3).

⁸ “Statewide elective office” means “the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction and member of the State Board of Equalization.” CA Government Code § 82053.

⁹ “Person” means “an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.” CA Government Code § 82047.

¹⁰ A “small contributor committee” is any committee that meets all of the following criteria:

- (a) The committee has been in existence for at least six months.
- (b) The committee receives contributions from 100 or more persons.
- (c) No one person has contributed to the committee more than two hundred dollars (\$200) per calendar year.
- (d) The committee makes contributions to five or more candidates.

CA Government Code § 85203.

¹¹ A “committee” is:

[A]ny person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.
- (b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or
- (c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees.

CA Government Code § 82013.

¹² A “political party committee” is “the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to section 5100 of the Elections Code.” CA Government Code § 85205.

¹³ “*Committee* means any *person* acting, or any combination of two or more *persons* acting jointly, who raise \$1,000 or more, or make *independent expenditures* of \$1,000 or more, within a single calendar year on behalf of or in opposition to a *candidate* or for the qualification to the ballot or adoption or rejection of one or more ballot measures. *Committees* include *controlled committees, primarily formed recipient committees, and general purpose recipient committees.*” San Diego Municipal Code § 27.2903.

Notes to Federal Limitations

The grid on federal contributions reflects adjustments to the consumer price index, as set forth in Price Index Increases for Expenditure and Contribution Limitations, 72 Fed. Reg. 5,294 (Feb. 5, 2007).

The grid also reflects the amendments to the Federal Election Campaign Act of 1971 (FECA), 2 U.S.C. 431 et. seq., as made by the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat. 811.

* For contributions made on or after January 1, 2003, BCRA amended 2 U.S.C. § 441a(a)(1)(A) to increase the amount persons may contribute to federal candidates from \$1,000 to \$2,000 per election. 11 C.F.R. §110.1(b)(1) reflects this change. Note that due to adjustments to the consumer price index, this limit has been increased to \$2,300 for contributions made on or after January 1, 2007. See Price Index Increases for Expenditure and Contribution Limitations, 72 Fed. Reg. 5,294 (Feb. 5, 2007).

** For contributions made on or after January 1, 2003, BCRA amends 2 U.S.C. § 441a(a)(1)(B) to increase the amount persons may contribute to political committees established and maintained by the national political party per calendar year from \$20,000 to \$25,000. 11 C.F.R. §110.1(c)(1) reflects this change. Note that due to adjustments to the consumer price index, this limit has been increased to \$28,500 for contributions made on or after January 1, 2007. See Price Index Increases for Expenditure and Contribution Limitations, 72 Fed. Reg. 5,294 (Feb. 5, 2007).

*** FECA, as amended, also permits certain persons to contribute up to \$5,000 per year to any other political committees. 2 U.S.C. § 441a(a)(1)(C). This contribution limit was left unchanged by BCRA. However, BCRA revised 2 U.S.C. § 441a(a)(1) by adding paragraph (D), which permits persons to make up to \$10,000 in contributions to a political committee established and maintained by a State committee of a political party in a calendar year.

Notes to California State Limitations

* The grids on California state contributions reflect the updates to the CA Government Code, as made by Proposition 34: Changes to California Campaign Finance Law. Proposition 34 added § 83124 to the Political Reform Act, requiring that the contribution and expenditure limits be adjusted according to changes in the Consumer Price Index in January of every odd-numbered year. At its meeting on November 14, 2006, the California Fair Political Practices Commission adopted amendments to regulations § 18535 [2 C.C.R. § 18535] and § 18545 [2 C.C.R. § 18545], which establish the increases in the contribution and voluntary expenditure limits as shown above. As of January 1, 2007, the contribution limit and voluntary expenditure ceiling adjustments of this regulation also will apply to elections held after December 31, 2008, until these limits are adjusted by the Commission for the next biennial period. [2 C.C.R. § 18545(f)]. Any adjustment shall be made pursuant to 2 C.C.R. § 18544 [2 C.C.R. § 18545(e)].

Notes to City of San Diego Limitations

* The grid on the City of San Diego contributions section reflects the first update to the San Diego Municipal Code as allowed by § 27.2937. Starting in 2007, and on a biennial basis, the contribution limits in sections 27.2935 and 27.2936 will be subject to adjustment based on the Consumer Price Index (CPI) for the San Diego area for the prior two-year period ending on December 31 of the previous year. San Diego Municipal Code § 27.2935(a) and (b). In a public notice posted on April 9, 2007, the contribution limits were increased by \$20, for both City Council District (\$250 to \$270) and Mayoral/City Attorney (\$300 to \$320) races. More CPI-based increases are built into the Code. The next possible increase will be in 2009.

GENERAL FEDERAL REGISTRATION REQUIREMENTS FOR POLITICAL COMMITTEES

New political committees must register by filing a Statement of Organization, FEC Form 1. FEC Form 1 must be filed no later than 10 days after the committee exceeds an applicable threshold. The thresholds are as follows:

1. Principal campaign committees - no later than 10 days after candidate designates committee on the Statement of Candidacy (FEC Form 2). Other authorized committees file a Form 1 with the principal campaign committee, which in turn must file the Form 1 with the appropriate filing offices.
2. Committees sponsored by corporations, labor organizations or trade associations - no later than 10 days after their establishment.
3. Local political party committees - no later than 10 days after exceeding one of the following thresholds during a calendar year: (1) receiving contributions in connection with a federal election aggregating in excess of \$5,000; (2) making exempt payments under 11 C.F.R. §§ 100.80, 100.87, 100.89, 100.140, 100.147 or 100.149 aggregating in excess of \$5,000; or (3) making contributions or expenditures in connection with a federal election aggregating in excess of \$1,000.
4. All other political committees must file FEC Form 1 no later than 10 days after receiving contributions or making expenditures in connection with a federal election aggregating in excess of \$1,000 during a calendar year.

GENERAL FEDERAL REPORTING REQUIREMENTS FOR POLITICAL COMMITTEES

Each treasurer of a political committee must file reports of receipts and disbursements. All political committees other than authorized committees of a candidate must file either:

- (A)
 - (i) quarterly reports in a calendar year in which a general election is held;
 - (ii) a pre-election report no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election;
 - (iii) a post-general election report which is due no later than the 30th day after the general election; and
 - (iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which is due July 31, and a report covering the period beginning July 1 and ending December 31, which is due no later than January 31; or
- (B) Monthly reports in all calendar years.

FEC Form 3X is used by political party committees and political action committees to report receipts and disbursements.

**GENERAL CALIFORNIA STATE REGISTRATION REQUIREMENTS FOR
POLITICAL COMMITTEES**

Within 10 days of receiving \$1,000 in contributions, a committee must file an original and one copy of the Statement of Organization Recipient Committee, California Form 410 with the California Secretary of State and, if appropriate, copies must also be filed with local filing officers.

**GENERAL CALIFORNIA STATE REPORTING REQUIREMENTS FOR POLITICAL
COMMITTEES**

Depending on the circumstances, there are different reporting requirements. However, the form most commonly used is the Recipient Committee Campaign Statement, California Form 460. A California Form 460 is used to file any of the following: Preelection Statement, Semi-annual Statement, Quarterly Statement, Special Odd-Year Report, Supplemental Preelection Statement, Termination Statement and Amendment to a previously filed statement.

A person, entity or organization that receives contributions totaling \$1,000 or more during a calendar year is required to file semi-annual statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.